The Municipal Planning Guide to Zoning Bylaws in Manitoba

Component A: Introduction to Zoning

Manitoba

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INTRODUCTION TO ZONING

MUNICIPAL PLANNING GUIDE TO ZONING BYLAWS IN MANITOBA
COMPONENT A

November 2015

PREFACE

This is the first of three components of the *Municipal Planning Guide to Zoning Bylaws in Manitoba*:

A) **The Introduction to Zoning (The Introduction)**
B) The Reference Binder of Model Zoning Language (The Binder)
C) The Plug-In Sections of Zoning Tools (The Plug-Ins)

The Guide is intended to meet the needs of rural areas and smaller urban municipalities in Manitoba (outside of Winnipeg and Brandon).

This document provides practical guidance on the role and function of zoning to a primary audience of officials working for municipalities and planning districts. The Guide will also be useful to the general public, the development community and others with an interest in zoning. Parts 3 and 4 of this *Introduction to Zoning* include text and flow charts that update the information found in *The Planning Act Handbook* (2008).

A note on the text of this document…

- This *Introduction to Zoning* uses square brackets for references to sections in *The Planning Act* and other legislation.

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PART 1: Introduction

The Purpose of Zoning

Zoning is a tool used by municipalities and planning districts to regulate the use and development of land and buildings. Zoning primarily works by dividing land into distinct areas called zones. Each zone has its own list of the types of development and land uses that may be allowed within its boundaries.

Why Use Zoning?

Because zoning provides rules on where and how land use and development can occur, it can significantly affect what happens in a community. In this way, zoning can help:

- to reduce potential land use conflicts by ensuring separation and buffers between incompatible uses
- to optimize use of land by prescribing the types of uses that are best suited for a particular area
- to preserve or enhance the character of a neighbourhood by encouraging new buildings to fit with the character of the existing neighbourhood or by protecting heritage areas
- to conserve natural resources and sensitive lands by restricting future development near important habitats or resources (ex: sand and gravel deposits, agricultural land, potash)
- to protect public health and safety by restricting development in areas at risk of erosion, flooding, or other hazards
- to provide greater certainty, predictability and stability to an area by setting out clear development rules

Zoning rules or regulations are combined with maps into a document of local laws called a **zoning bylaw**.

What is a Zoning Bylaw?

The Planning Act states that all municipalities in Manitoba are required to adopt a **zoning bylaw** (unless the municipality is part of a planning district that has adopted a district-wide zoning bylaw) [68]. This zoning bylaw must be "generally consistent" with the **development plan** and any **secondary plan** in effect in the municipality [68].

It is important to recognize the key differences between development plans and zoning bylaws.

A development plan is a document that sets out a community's vision for the future. That vision is captured in *plans and policy statements* that address physical, social, environmental and economic objectives. A development plan describes, using words and maps, how and where the community wants land to be developed, as well as measures for implementing the plan [42(1)].

A zoning bylaw is a tool that helps to implement the objectives and policies in the development plan (and any applicable **secondary plan**) by setting out specific rules for development and land use in a community.

These rules are included in enforceable *regulatory statements* governing the use of land and buildings, and the location and form of buildings.

What is Development?
The term **development** is defined in *The Planning Act*. It includes:

- The construction of a building on, over or under land;
- A change in the use or intensity of use of a building or land;
- The removal of soil or vegetation from land; and
- The deposit or stockpiling of soil or material on land and the excavation of land [1].

This broad definition means that municipalities (or planning districts) have the ability to regulate many aspects of construction and land use activity within their boundaries.

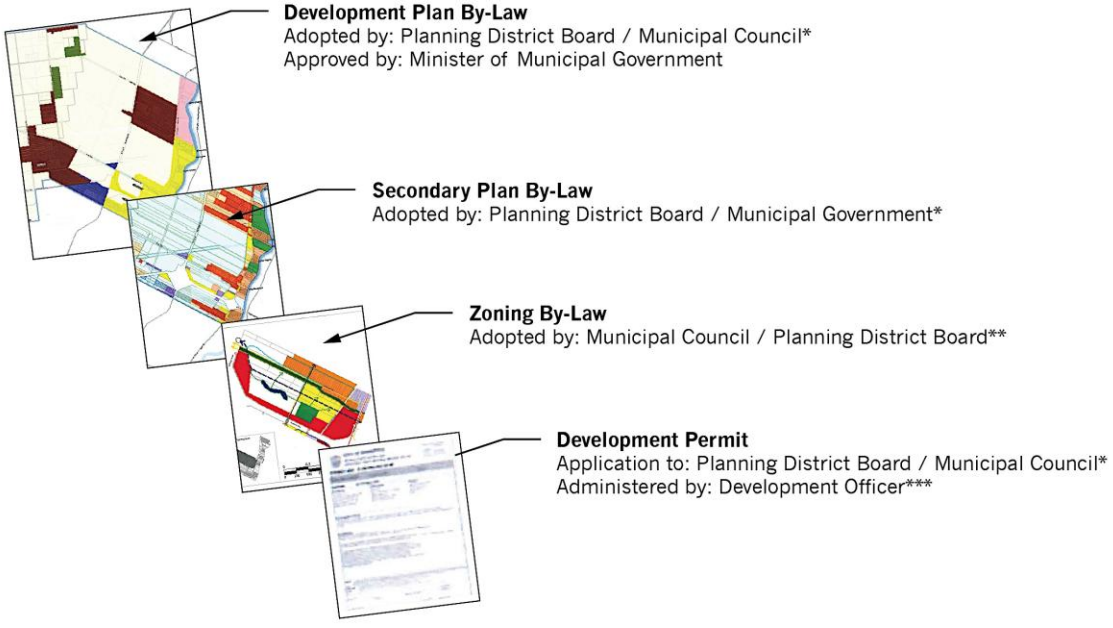

Development Plan By-Law
Adopted by: Planning District Board / Municipal Council*
Approved by: Minister of Municipal Government
Secondary Plan By-Law
Adopted by: Planning District Board / Municipal Government*
Zoning By-Law
Adopted by: Municipal Council / Planning District Board**
Development Permit
Application to: Planning District Board / Municipal Council*
Administered by: Development Officer***
* Municipal Council if the Municipality is not in a Planning District
** Planning District Board if a district-wide zoning by-law
*** As authorized by the Planning District Board / Municipal Council* and set out in the zoning by-law

Figure 1: Hierarchy of Plans, Zoning Bylaws and Permits

Before beginning construction or changing the use of a parcel of land, a person must refer to the zoning bylaw to see if a development permit is required for the particular type of development [147].

Note: A **zoning bylaw** should be updated whenever the local **development plan** is updated to ensure the zoning bylaw is generally consistent with the development plan.

Contents of a Zoning Bylaw

According to *The Planning Act*, a zoning bylaw **must** do the following three things:

1. Divide the area into zones.
2. Prescribe permitted and conditional uses for land and buildings in each zone.
3. Establish a system of development permits and procedures [71(1)].

See Part 2 of *The Introduction* for more information on these three requirements of a zoning bylaw.

In addition to these requirements, a zoning bylaw must also "prescribe general development requirements for each zone" [71(2)].

The Basics: At their most basic, these general development requirements address:

a) The use of land
b) The construction or use of buildings
c) The dimensions and areas of lots, parcels or other units of land
d) The number, size and location of buildings on parcels of land [71(3)]

Other: Zoning bylaws may also include regulations for things like:

- The placement of pedestrian walkways [71(3)(j)]
- The outdoor lighting of any building or land [71(3)(r)]
- The cutting and removal of trees or vegetation [71(3)(g)]
- The manner in which any use of land or a building is undertaken, including the hours of operation and the regulation of noxious or offensive emissions such as noise or odours [71(3)(t)]

For a larger list of things that may be regulated by a zoning bylaw, see *The Planning Act* [71(3)].

Roles and Responsibilities

The process of adopting, amending, or administering a zoning bylaw involves the following primary participants:

Municipalities and Municipal Councils

The elected officials of the community are ultimately responsible for adopting or amending a zoning bylaw. A municipal council is also responsible for administering and enforcing the zoning bylaw (except where a municipality belongs to a **planning district**). This includes reviewing and approving applications for development, making decisions on applications for variances and conditional uses, and bylaw enforcement. Where a municipality belongs to a planning district, the board of the district is responsible for the administration and enforcement of the zoning bylaw (except for approval of variances or conditional uses).

A municipality can assign some of these responsibilities to a **planning district,** a **planning commission** or a **designated employee or officer** (see below).

Note: In some cases, municipalities act as developers themselves to develop property on the land they own. In this case, they must follow the same rules and procedures as other landowners or developers.

Planning Districts and Planning District Boards

Normally, when a planning district is established, its board is responsible for the adoption, administration and enforcement of the **development plan bylaw** for the entire district, and the administration and enforcement of the **zoning bylaws** of its member municipalities [14].

However, a planning district may also adopt a **district-wide zoning bylaw** that applies to the entire district [69].

District-Wide Zoning Bylaws

The board of a planning district may adopt a zoning bylaw that applies to the entire district if the council of every municipality in the district passes a resolution in favour of a district-wide zoning bylaw. In this case, the zoning bylaws of the individual municipalities will no longer apply [69].

Planning Commissions

A planning commission can assist a planning district board or municipal council with some of its planning-related workload in administering the zoning bylaw.

Any municipality that has adopted a zoning bylaw or any planning district that has adopted a **district-wide zoning bylaw** may establish a planning commission [31].

A planning commission can include members of the general public that are not members of the planning district board or municipal council. Thus, planning commissions are a way to involve other people from the community with an interest in planning.

If established, a planning commission must hold hearings and make decisions respecting applications for variances and conditional uses that have been referred to them. A planning commission may also be assigned responsibility for holding a hearing on the adoption of a zoning bylaw [36].

Designated Employee (Development Officer)

A municipal council or a board of a planning district may designate an employee or officer of the municipality or district to administer the zoning bylaw [*The Municipal Act*, *85* and *The Planning Act*, 24, 184].

The person in the position of administering a zoning bylaw is usually called a *development officer* (however, this role is sometimes part of the responsibility of a chief administrative officer or a building inspector).

This role usually includes reviewing development applications and issuing development permits [102(1)]. A designated employee or officer may also be assigned responsibility to enforce the zoning bylaw and deal with infractions. For example, the officer may issue a stop work order for construction of a new development that does not conform to the conditions of a development permit [175].

A council must designate this role by bylaw [184]. *The Binder* (Component B) provides model zoning bylaw language to designate this employee in the zoning bylaw.

The General Public and Landowners

All members of the public have the opportunity to comment on a zoning bylaw that is being adopted or amended. They also have the opportunity to comment on specific development proposals that are undergoing a public hearing (such as for a conditional use or variance).

If a hearing is held to consider an amendment to a bylaw that would affect a specific property, the owner of the affected property and any owner of property within 100 metres of the site (or such further distance prescribed in a zoning bylaw) must be sent a notice of the hearing [168].

A person who wants to undertake a development must adhere to the rules and standards in the zoning bylaw that apply to the development [71(1)].

Landowners must allow the **designated employee or officer** to enter their land or building at a reasonable time (and after reasonable notice has been given) for the purpose of administering or enforcing the zoning bylaw [175 - 176].

Others to Consult

It is best practice for municipalities and planning districts (in the case of a district-wide zoning bylaw) to also consult with other groups who have an interest in the area's land use when adopting or amending a zoning bylaw, including neighbouring municipalities, planning districts, conservation districts and Indigenous communities.

This open communication will help to coordinate land use decision-making and facilitate future development or conservation discussions.

The Minister (Community and Regional Planning)

The minister does not have approving authority with respect to the adoption or amendment of a zoning bylaw [47]. However, the minister (or provincial staff in the Community and Regional Planning Branch of Manitoba Municipal Government to which the minister has designated this authority) will review zoning bylaws to ensure they generally conform to the development plan and to the Provincial Planning Regulation.

If the minister objects to a zoning bylaw or a zoning bylaw amendment, the board or council must not give the bylaw third reading [77(6)]. Instead, the bylaw must be referred to the Municipal Board (or Planning District Board, if the municipality is part of a planning district without a **district-wide zoning bylaw**), which must hold a hearing. Following the hearing, the board may make an order to change the bylaw based on the objection [78(1)].

The minister is also involved in the process to consider an application to approve a conditional use for a large-scale livestock operation. Upon receiving such an application, the board, council or planning commission must send the minister (care of the Community and Regional Planning Branch Office) a copy of the application and all supporting material [72(1-2)]. The minister will then refer the application to the Technical Review Committee [112]. For more information on the livestock operation technical review process, see *The Planning Act* [113] and the Manitoba Municipal Government website.

Note: If requested, Community and Regional Planning may provide non-legal advice and general planning assistance to a planning district or municipality [189(2)].

PART 2: Requirements of a Zoning Bylaw

This section discusses the three requirements of a zoning bylaw in greater detail.

1. Dividing the Area into Zones

The zoning bylaw must divide the municipality (or a planning district with respect to a district-wide zoning bylaw) into **zones.** Each zone specifies the types of uses and development that may be allowed in that zone.

The rules for each zone may give different answers to questions like: Can a developer build a factory on this empty lot? Can my next-door neighbour construct a two-story house? If I build a garage, how close can it be to my property line?

The boundaries of each zone should be clearly distinguishable on a zoning map. Zones in a zoning bylaw should be more specific than the boundaries of policy areas in a development plan.

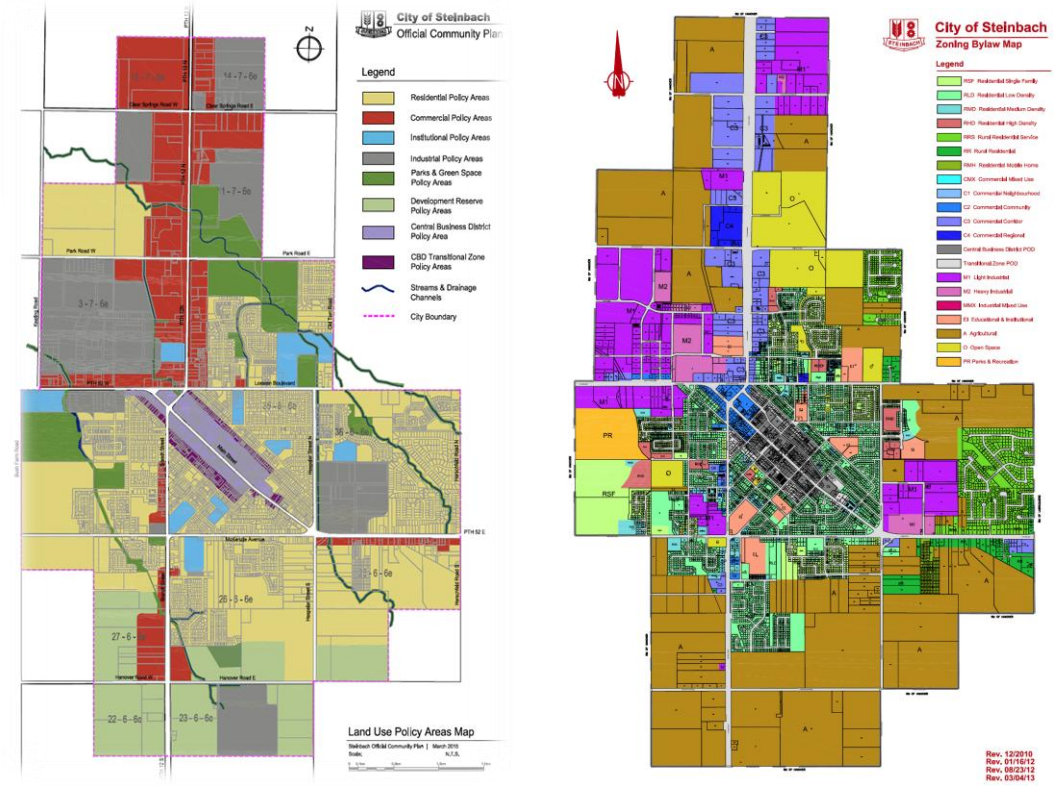


Figure 2: Development Plan Designations (Left) vs. Zoning Bylaw Zones (Right) (Steinbach, 2015)

For example: A development plan might designate a broad area as a 'residential policy area', while the zoning bylaw might have several zones in this area, providing for different types of residential use plus open space and other compatible land uses.

How Many Zones?

Zones are necessary when the rules for one area should be distinctly different from another area. *The Binder* and *The Plug-Ins* provide a set of **sample zones** that cover the common array of land uses and development types in Manitoba, including:

PR Parks and Recreation

AG Agriculture General

AL Agriculture Limited

RR Rural Residential

GD General Development

RS Residential

RM Residential Mixed

CN Commercial Neighbourhood

CC Commercial Central

HC Highway Corridor

M Industrial

I Institutional

Zoning bylaws may not require all of the zones found in *The Binder*. Some rural municipalities, for example, may only need two-or-three different zones (ex: an agricultural zone and a general development zone). Larger municipalities may require more zones than the number found in *The Binder* to account for a broader range of land uses and development activity.

It is important to consider the drawbacks of having either too many or too few zones. With too many zones, zoning maps and regulations become more difficult to interpret and administer. With too few zones, zoning bylaws may not do an adequate job of separating potentially incompatible uses (like heavy industry from a residential neighbourhood) or encouraging a unique character in each area.

Note: The term *designation* (ex: "commercial designation") should only be used for policy areas in development plans, not for zones in zoning bylaws.

General Development Requirements for Each Zone

A zoning bylaw must prescribe general development requirements for each zone. These general development requirements commonly include regulations for the form and siting of buildings on a parcel (including maximum building heights and required yards).

The regulations in a zoning bylaw may, over time, have a significant effect on the look and feel of rural and urban areas. This is one reason why it can be beneficial for zoning bylaws to include illustrations of how the bulk requirements will make a building look in the context of a site.

Therefore, when considering the standards that will be applied to each zone, the board or council must consider the following four things:

a) The objectives and policies in the development plan and any secondary plan

b) The character of the zone

c) The nature of the existing or proposed uses of land and buildings in the zone

d) The suitability of the zone for particular uses [71(2)]

Planning documents (ex: development plans and secondary plans) may include policies, objectives, and guidelines concerning the desired development form or character in an area (for example, a "traditional main street" with small storefronts). Zoning bylaws have the ability to help municipalities achieve these objectives by regulating two important elements: building siting and form.

Building Siting and Form

Zoning bylaws may contain rules to prescribe building form as well as where buildings may be sited on a lot [71(3)(d)].

This section discusses six common zoning methods to regulate siting and form: 1) site area, 2) site dimensions, 3) site coverage, 4) required yards (setbacks), 5) building height and 6) design details.

Site Area

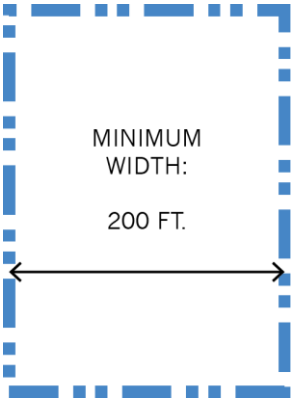
Zoning bylaws can regulate the *area* of a site [71(3)(c)]. Setting a minimum or maximum site area can encourage a particular density in a zone. There are also other reasons to regulate site area. In an agricultural zone, a minimum site area (of 80 acres or 32 hectares, for example) can help to minimize the fragmentation of prime agricultural land [Provincial Planning Regulation, 3.1.4]. As another example, a minimum site area (of 2 acres or 0.8 hectares) for a rural residential zone will allow landowners to use a septic field for on-site treatment of wastewater that meets Provincial standards [Provincial Planning Regulation, 6.2.8].

BULK TABLE (I.2)					Institutional	I
Site Dimensions	Site Area (Min)	0.5 acres	Building Heights	Height (Min)	-
	Site Area (Max)	-		Height (Max)	42 ft.
	Site Width (Min)	200 ft.	Accessory or Secondary Buildings & Structures		
	Site Width (Max)	-			
	Site Coverage (Max)	60%			
Required Yards: Principal Building	Front Yard (Min)	25 ft.		Front Yard (Minimum)	NP
	Front Yard (Max)	-		Side Yard (Minimum)	3 ft.
	Side Yard (Min)	12 ft.		Rear Yard (Minimum)	2 ft.
	Side Yard (Max)	-		Separation from P. B.	6 ft.
	Rear Yard (Min)	25 ft.		Accessory Height (Max)	14 ft.

Figure 3: Site Area, Dimensions and Coverage

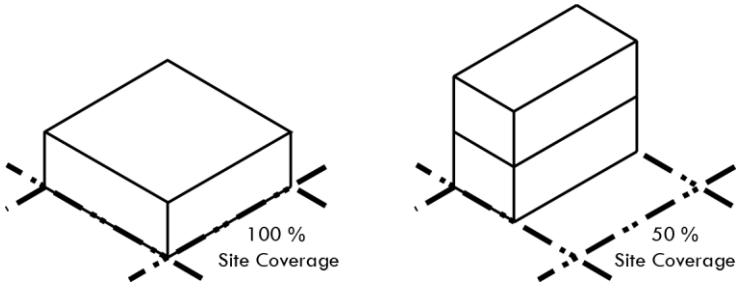
Site Dimensions

Zoning bylaws can also regulate the *dimensions* of "lots, parcels and other units of land" [71(3)(c)]. Like *site area*, site dimension regulations (like width and depth restrictions) can encourage a particular density in a zone. Regulating site dimensions can also encourage a particular character of development (for example, narrow site widths may be more suitable for streets with smaller storefronts). *The Binder* includes sample language regarding the minimum and maximum widths of zoning sites. These dimensional lot standards should be modified for local circumstances.



Site Coverage

Zoning bylaws can regulate the coverage on a site [71(3)(d)]. This is usually expressed in a *maximum* percentage of the site that can be covered by structures. Limiting maximum site coverage can allow for taller building development (for example, a one storey building with 100 per cent site coverage has the same floor area as a two storey building with 50 per cent site coverage) and leave more open space between buildings.



Required Yards

Zoning bylaws can regulate yard size and the location of buildings on parcels of land [71(3)(d)]. A standard method zoning bylaws use to regulate the location of buildings on a site is through required minimum yards. A yard is an open area between the exterior wall of a building and the boundaries of the site (site lines) on which the building is located.

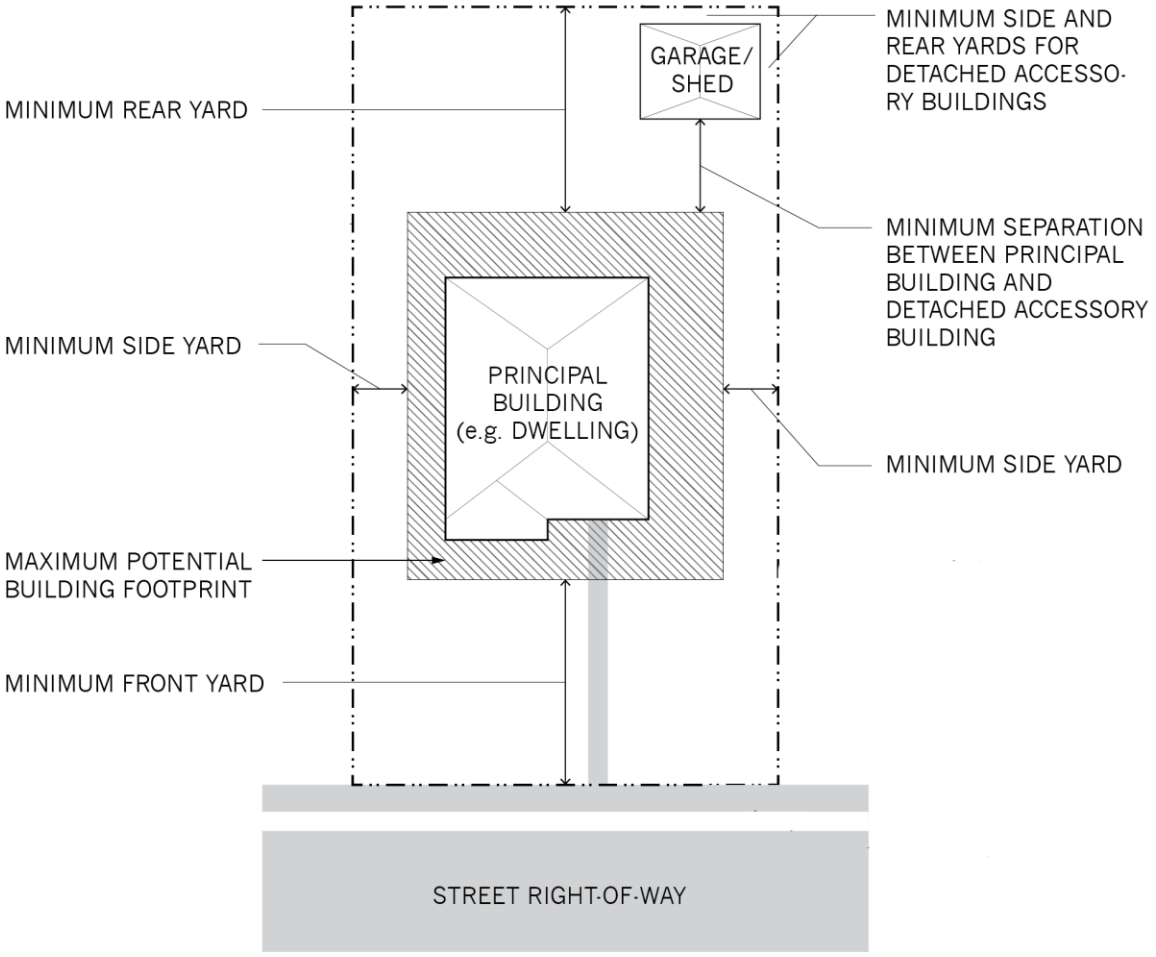
Required yard *minimums* can be used, for example, to maintain spaces between houses in a residential neighbourhood to allow access to sunlight, to provide separation for fire safety or to mitigate nuisances (like noise) that might come from adjacent buildings.

Alternately, required yard *maximums* can be used to encourage building construction in close proximity to sidewalks or other buildings. This strategy might be used in pedestrian-oriented commercial areas.

Tip: If the required yard minimum and maximum standards are set at the same distance, this distance becomes a *build-to line* that all buildings in the zone must follow.

BULK TABLE (1.2)				*Institutional*	I
Site Dimensions	Site Area (Min)	0.5 acres	**Building Heights**	Height (Min)	-
	Site Area (Max)	-		Height (Max)	42 ft.
	Site Width (Min)	200 ft.	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	-			
	Site Coverage (Max)	60%			
Required Yards: Principal Building	Front Yard (Min)	25 ft.		Front Yard (Minimum)	NP
	Front Yard (Max)	-		Side Yard (Minimum)	3 ft.
	Side Yard (Min)	12 ft.		Rear Yard (Minimum)	2 ft.
	Side Yard (Max)	-		Separation from P. B.	6 ft.
	Rear Yard (Min)	25 ft.		Accessory Height (Max)	14 ft.

Figure 4: Required Yards for Principal Building


MINIMUM REAR YARD
GARAGE/ SHED
MINIMUM SIDE AND REAR YARDS FOR DETACHED ACCESSORY BUILDINGS
MINIMUM SEPARATION BETWEEN PRINCIPAL BUILDING AND DETACHED ACCESSORY BUILDING
MINIMUM SIDE YARD
PRINCIPAL BUILDING (e.g. DWELLING)
MINIMUM SIDE YARD
MAXIMUM POTENTIAL BUILDING FOOTPRINT
MINIMUM FRONT YARD
STREET RIGHT-OF-WAY

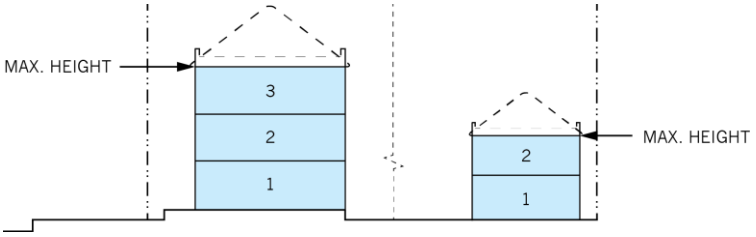
Determining the Front of a Site
The front site line is usually defined as the boundary of a site along a street right of way. However, there may be cases where this front line is uncertain. The designated employee is often given the authority (via bylaw) to determine the location of the front yard where this is uncertain.

Building Height

Zoning bylaws can also regulate other aspects of *building dimension*, including building height [71(3)(d)].

Building height is important when considering how buildings may impact the shade and outdoor privacy on adjacent properties, or views to significant landmarks, water bodies or other natural features. When setting building height maximums, it is also important to consider the fire-fighting capabilities of the local fire department.

Building height is also an important component of the character of a zone. In suburban areas, low building height *maximums* (of one or two stories) may be appropriate, while municipalities may want to encourage more compact development in downtown urban areas by allowing higher buildings (even considering a building height *minimum*).



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	Side Yard (Min)	12 ft.			Rear Yard (Minimum)	2 ft.
	Side Yard (Max)	-			Separation from P. B.	6 ft.
	Rear Yard (Min)	25 ft.			Accessory Height (Max)	14 ft.

Figure 5: Building Heights

Design Details

Zoning bylaws can also regulate the design details of buildings and building sites [71(3)(e)]. For example, regulations could specify the materials that may be used on building exteriors, the size and design of window openings, or the heights of fences.

Regulating design details may be useful in heritage districts where a certain architectural character is desired. It may also be useful in new subdivisions to require the use of certain types and qualities of materials. Regulating design details in a downtown area could encourage development that meets specified urban design standards (like windows and entrances on the ground floor of retail buildings that contribute to a quality pedestrian environment).

Municipalities wanting to use this tool should first consider adopting urban design guidelines in a **development plan**, **secondary plan** or in a standalone document. Municipalities or planning districts may want to consider establishing a design review committee that would approve designs before development permits are issued [71(3)(e)]. Design review committees can provide input with respect to such matters as building form and finishes, detailing, safety and functional design. Design review will add time to the development approval process.

2. Prescribing Permitted and Conditional Uses

Municipalities and planning districts have the authority to use zoning bylaws to prescribe permitted and conditional uses that landowners are allowed to undertake in each different zone within the area [71(1)]. Prescribing permitted and conditional uses helps a planning authority to ensure that land and buildings are used and developed according to the desires of the community expressed in the area's planning documents.

The permitted and conditional uses in a zoning bylaw should be shown in an easy-to-interpret *Use Table*. Depending upon the complexity of the zoning bylaw, there could be one combined Use Table for all zones or individual Use Tables for each zone.

	Table 1.1: Use Table											
	Uses	PR	AG	RR	RS	RM	CN	CC	HC	M	I	USS
Agriculture	General Agricultural		P									
	Livestock Operation		C*									Plug-In
	Animal Keeping		P*	C*								4.1
Residential	Dwelling, Single-Unit		P	P	P	P						
	Dwelling, Two-Unit				P*	P*						4.4
	Dwelling, Multi-Unit					P*	P*	P*	C*			4.5
Lodging	Bed and Breakfast		P*	P*	P*	P*						4.2
	Inn (up to 12 rooms)				C	P	P	P	P			
	Hotel (no room limit)						P	P	P			
	Dormitory or Hostel					P	P	P			P	
	P = Permitted | C = Conditional | Underline = only as a secondary use | * = Use-Specific Standard Applies											

Figure 6: Combined Use Table (from *The Binder*)

Permitted Uses

Permitted uses are the uses for which the particular zone is intended. Permitted uses are "as-of-right" uses; this means if a landowner applies for a development permit for a use that is a permitted use on the site (and also meets the other requirements, like maximum building height and minimum yard requirements), the permit **must** be issued—it cannot be refused.

Some uses may be permitted in the majority of zones in the municipality or planning district (parks, for example). Other uses, like heavy industrial development, may only be permitted in certain zones due to their potential adverse effects on other land uses.

Conditional Uses

Conditional uses are uses that are generally consistent with other uses in the zone and **may** be allowed at the discretion of the approving authority (ex: council) if certain conditions are met. Conditional uses require a public hearing and, therefore, should be uses that warrant public review as part of the development application process.

Conditional uses give council (or a board or planning commission) the ability to consider site-specific factors when approving a development. Approved conditional uses must, however, conform to the other applicable regulations of the zoning bylaw.

As a general rule, conditional uses should not outnumber permitted uses in most zones. Conditional uses should be reserved for development proposals that require additional public input, council debate, and conditions.

Zoning bylaws should not classify uses as conditional unless there is a reasonable chance they will receive council approval. If conditional use applications are always denied, this will waste time and money for developers, the public and the planning authority.

Best Practices for Prescribing Uses

Municipalities and planning districts should use the best practices below when prescribing permitted and conditional uses in their zoning bylaws.

Choosing Permitted and Conditional Uses to Encourage Desired Development

Whenever a use could be reasonably prescribed as either a permitted use in a zone or a conditional use, councils should make their decision based on the type of development they want to see in their community.

The most desired types of development should be included as permitted uses because approval will be guaranteed as long as it meets the other requirements in the zoning bylaw (including site requirements and use-specific standards). This development will also take less time because it does not need the public hearing process.

Choosing Permitted and Conditional Uses
The City of Dauphin went through an extensive review of their permitted and conditional uses when updating their zoning bylaw.

First, they examined each use and asked, "What is the intent of this use?" They made the use **permitted** unless it was obviously in conflict with another permitted land use in a zone.

For every use, they also asked, "If our neighbour was doing this on their property, would we want to have a say?" If so, they made it a **conditional use**.

Developments with potentially negative side effects (like noise pollution) should be prescribed as conditional uses in a zone. This will allow council to add development requirements (like fencing and buffers) to offset these negative effects. Council may only impose additional conditions or enter into development agreements if the proposed use is listed as a conditional use (instead of a permitted use).

Benefit	Permitted Use	Conditional Use
Certainty for the landowner or developer	✓	
Quicker approval	✓	
Board or council can impose additional conditions		✓
Board or council can require landowner to enter into a development agreement		✓
Public Notice / Hearing		✓

Table 1: Benefit Comparison for Permitted Uses and Conditional Uses

Discrimination and Fundamental Freedoms

Zoning bylaw cannot include regulations that discriminate against a person or limit a person's fundamental freedoms.

Fundamental Freedoms

In Canada, these fundamental freedoms include the freedom of religion, the freedom of thought, belief, opinion, and expression, the freedom of peaceful assembly and the freedom of association (see *The Canadian Charter of Rights and Freedoms*). A zoning bylaw, for example, could not outright prohibit places of worship (it may, however, prescribe the specific zones where such uses may occur and include regulations for these buildings based on land use concerns like size and location).

Discrimination

Zoning bylaws are intended to zone the use of land and buildings; they should never "zone people." For example, the Supreme Court of Canada recognized the distinction between zoning *uses* and zoning *users* in *Bell v. Her Majesty the Queen* (1979), which ruled that a municipality discriminated against people in its zoning bylaw's definition of the word "family" (see below).

The Municipal Act says a bylaw is discriminatory if it "operates unfairly and unequally between different classes of persons without reasonable justification" [*The Municipal Act*, 382(2)]. This means that municipalities should be careful, for example, to ensure that none of their zoning rules makes unfair distinctions between persons based on income, race, gender, disability, etc.

Any person who believes a bylaw is discriminatory can make an application to the Court of Queen's Bench for a declaration that the bylaw is invalid [*The Municipal Act*, 382(1)]. For an easy-to-read guide on the topic of the potential for discrimination in Canadian zoning bylaws, see In the Zone: Housing, Human Rights and Municipal Planning (Ontario Human Rights Commission, 2012).

Use-Specific Standards

A zoning bylaw will typically include a section that contains additional rules and standards that are unique to specific uses (for example, provisions for home-based businesses that set standards for outdoor storage, the number of employees, or the size of signs).

Use-specific standards should be consistent for all development of that type, with modifications as needed for particular zones (ex: different rules for home based businesses in rural vs. urban areas).

The rules for these standards should be set out in the zoning bylaw and should not be decided "at the discretion of council." If the intent is to have standards imposed at Council's discretion, then such uses should be listed instead as conditional uses, with review and approval following proper procedure.

Rules for specific uses should be listed in a separate section of the zoning bylaw, immediately after the rules for zones.

USE TABLE (1.1)

PERMITTED PRINCIPAL USES	RM Use-Specific Standard
Dwelling, Single-Unit	-
Dwelling, Two-Unit*	4.4
Dwelling, Multi-Unit*	4.5
Inn (up to 12 rooms)	-
Dormitory or Hostel	-
Office or Retail Space	-
Outdoor Market	-
Restaurant	-
Funeral Home	-
Fire or Police Station	-
Library or Cultural Facility	-
Place of Worship	-
Childcare Facility	-
School	-
CONDITIONAL USES	
Recreation Centre or Facility	-
Park	-
Cemetery	-
Medical Clinic	-
College, University or Trade School	-
Liquor-Selling Establishment	-
PERMITTED ONLY AS SECONDARY USE	
Bed and Breakfast*	4.2
Home-Based Business*	4.6
* = Use-Specific Standard Applie	

Figure 7: Use-Specific Standards

Use Classes vs. Use Lists

Zoning bylaws that regulate uses by trying to list every conceivable individual use—from "wig shops" to "stores that sell knives" to "shoe stores"—will quickly become unmanageable (they may grow to incorporate hundreds of different uses).

Instead of detailed use lists, it is best practice for zoning bylaws to group similar uses in *use classes*. Use classes can provide clear guidance without being overly specific about individual uses (see *The Binder* for examples of use classes).

A municipality that wants to change from a zoning bylaw with an extensive use list system to a use class system should start by trying to simplify the current lists of service, retail and industrial uses. All of the uses with a similar scale and type of activity should be combined into one class. A flower shop, for example, will have roughly the same types of activities as a record store, a toyshop, and a tourist goods shop of a

similar size—these can all be combined into one "retail" use class. Zoning bylaws that want to make a distinction between such stores and a larger retail use (like a supermarket, which will have greater parking and loading zone requirements and will generate more vehicle traffic) could have two or more retail use classes (ex: "Retail (Small)" for shops under 5,000 square feet and "Retail (Large)" for larger buildings).

Note: Some zoning bylaws with a use-class system include a definition of the use class that tries to list all of the individual uses within that class. However, this leads to many of the same problems as seen in other extensive use lists. Use classes may include some examples of uses that fall within the class, but these should not be part of the definition section of the bylaw and should not be exhaustive.

Accessory and Secondary Structures and Uses

Permitted and conditional uses usually refer to the main or **principal use** on a zoning site. However, there may be other uses and structures allowed on a site in addition to a principal use. These uses or structures are referred to as **accessory** or **secondary** to a principal use on a site. For the reasons provided below, it is helpful for zoning bylaws to distinguish between **accessory structures and uses** and **secondary structures and uses**.

An **accessory building, structure or use** is naturally and normally incidental, subordinate in purpose or area (or both) and exclusively devoted to the use, building, or structure to which it is accessory. For example, a detached garage may be an accessory structure to the principal dwelling on a lot because it is exclusively devoted to the use of the dwelling. A garage should also have a smaller floor area (ex: "subordinate in area") and be used less frequently (ex: "subordinate in purpose") than the principal dwelling.

Listing Accessory Uses
Zoning bylaws should not attempt to define or list the accessory uses or structures that may be allowed in an area. If a principal use is allowed in an area, all appropriate accessory uses or structures must also be allowed because accessory uses or structures are, by this definition, *naturally and normally incidental* to that principal use.

For example, it would not be advisable to try to make a complete list of the accessory structures to a single-unit dwelling, which could include car garages, sheds, garden boxes, sandboxes, clothes lines, a tree house, etc.

Normally, an accessory structure would be constructed at the same time or after the construction of the principal building or establishment of the principal use. In some instances, a zoning bylaw might permit an accessory structure to be constructed prior to the principal use (ex: construction of a garage required for storage of equipment and materials during construction of a principal building). In such instances, it is advisable to impose conditions on the use and a time frame on the construction of the principal building.

Many current zoning bylaws in Manitoba have one section that deals with accessory buildings for all zones. However, it may be appropriate to have different rules for accessory buildings in residential areas than in rural, commercial or industrial areas. *The Binder* addresses this by including zone-specific regulations for accessory buildings and structures in the Bulk Table.

A **secondary structure or use** means a structure or use that takes place on the same zoning site as the principal use, but unlike an accessory use, is not naturally and normally carried out as part of the principal use. A daycare in an office building, which is not naturally and normally carried out as part of an office, is an example of a secondary use. A secondary suite (like a coach house) is an example of a secondary structure.

BULK TABLE (1.2)				*Institutional*	I
Site Dimensions	Site Area (Min)	0.5 acres	**Building Heights**	Height (Min)	-
	Site Area (Max)	-			
	Site Width (Min)	200 ft.			
	Site Width (Max)	-			
	Site Coverage (Max)	60%			
Required Yards: Principal Building	Front Yard (Min)	25 ft.	**Accessory or Secondary Buildings & Structures**	Front Yard (Minimum)	NP
	Front Yard (Max)	-		Side Yard (Minimum)	3 ft.
	Side Yard (Min)	12 ft.		Rear Yard (Minimum)	2 ft.
	Side Yard (Max)	-		Separation from P. B.	6 ft.
	Rear Yard (Min)	25 ft.		Accessory Height (Max)	14 ft.

Figure 8: Accessory or Secondary Buildings and Structures

Note: More than One Dwelling Unit on a Parcel of Land
The Planning Act states that no person may construct more than one dwelling unit or mobile home on a parcel of land, unless permitted to do so under the zoning bylaw [149].

Best Practice: Secondary Uses in an Agricultural Zone
General agricultural activity should be the predominant principal land use in an agricultural zone. However, it is common for other compatible uses to be permitted as secondary uses. The RM of Grahamdale zoning bylaw, for example, allows secondary small scale industries in the agricultural zones, as long as they are secondary to the agricultural use and are conducted on the farm premises.

Mixed-Use

Zoning bylaws can encourage the mixing of compatible types of development on one zoning site (or within one building) by allowing mixed-use development to occur "as-of-right" if all of the proposed uses are already listed as permitted uses on the Use Table.

To enable this, zoning bylaws should specify that all provisions of the bylaw relating to each use must be satisfied where two or more uses are proposed for one zoning site. If one of the uses on a mixed-use site is conditional, the proponent will have to follow the conditional use procedures for review and approval for that use.

To encourage mixed-use development in an area where uses have historically been segregated, municipalities may also consider creating a mixed-use zone that specifically allows a range of uses, including residential, office and retail. *The Binder* includes several zones (including residential mixed and commercial neighbourhood) that permit different types of mixed-use development. Municipalities should not include mixed-use development as a distinct use in the Use Table; presumably, this would prohibit mixed-use development of any kind except in the specified zones.

Temporary Uses, Buildings and Structures

Zoning bylaws should include regulations for temporary uses, buildings and structures. Examples of temporary buildings are a storage shed or office space required during construction on a site.

For best practice, zoning bylaws should include a regulation that a development permit must be obtained for a temporary building or use. Such development permits should expire after a prescribed time (ex: 12 months) with a maximum number of renewals. That way, planning authorities can make sure temporary buildings or uses do not become permanent. See *The Binder* for sample zoning language for regulating temporary buildings.

Note: Landowners may also apply for a variance for a temporary change in land use. A temporary land use variance must comply with the specific rules described in the chapter on variances below and in *The Planning Act* [97(2)].

Non-Conformities

When a municipality (or planning district) adopts a new zoning bylaw or amends a zoning bylaw, the permitted uses and bulk requirements for a particular parcel of land may change. If a building, a parcel of land, the use of land, or intensity of a use of land was lawfully existing before the adoption of the new zoning bylaw and now does not conform to the regulations in the new zoning bylaw, it is called a **lawfully existing non-conformity.** As proof that they have a **lawfully existing non-conformity**, landowners may apply for a Certificate of Non-Conformity (which is usually part of a zoning memorandum) [87].

Lawfully existing non-conformities are considered legal and can continue indefinitely, provided the use is not intensified or changed to another non-conforming use [86, 90(1)]. If a landowner wants to *increase* the intensity of an existing non-conforming use or make repairs or additions on a non-conforming building, the landowner may apply for a variance (other than a variance to increase the number of animal units in a non-conforming livestock operation) [92(1)].

The same rules apply to an owner of a parcel of land that does not conform to a new zoning bylaw (for example, a 30-acre parcel of agricultural land in a zone with an 80-

acre lot size minimum). The owner may continue to use the land for any use approved under the previous zoning bylaw and construct or alter a building on the land as long as all other requirements (including height and required yards) are met [90(2)]. Additional regulations for **lawfully existing non-conformities**—including rules for buildings that were under construction when a new zoning bylaw was adopted or non-conforming buildings that get damaged—are found in *The Planning Act* [86-93].

3. Establishing a System of Development Permits and Procedures for local development approval

The Planning Act says all zoning bylaws must set out the procedure for applying for and issuing:

- Development Permits;
- Minor Developments that do not require a Development Permit; and
- Zoning Memoranda (including a Certificate of Non-Conformity) [71(1)].

Development Permits

The Purpose of Development Permits

Development permits give landowners permission to undertake a specific development (see the text box "What is Development?" on A-2) or use on a specific parcel of land. Municipalities (or planning districts) issue development permits to ensure that all development in their area will conform to the regulations in the zoning bylaw as well as the vision for the community set out in the **development plan** and any existing **secondary plan.** These regulations may concern things like the permitted uses on a property, the allowed building heights, required yards, and the minimum amount of parking spaces.

Development Permits vs. Building Permits

A development permit is not the same as a building permit.

Building permits are issued to ensure that buildings conform to the Manitoba Building Code. Building permits help to regulate such things as structural design, fire safety, and electrical work. Each municipality (unless exempted) must adopt and enforce a building bylaw that enforces these regulations [*The Buildings and Mobile Homes Act*, 4]. This bylaw may apply to "the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of any building or addition to a building" [*The Buildings and Mobile Homes Act*, 2(1)].

In Manitoba, building, plumbing and occupancy permits are issued by one of three approval authorities: municipalities, planning districts, or the Office of the Fire Commissioner (OFC). See the OFC Approval Authorities document for a list of the building permit authorities in all areas in the province.

Who the approval authority is also depends on the type of building proposed (even within the same area):

- Housing and small buildings (less than three storeys high and under 600 m^2) are covered by Part 9 of the Building Code and are often approved locally.
- Other buildings (covered by Part 3 of the building code) are approved by the OFC in all areas except Thompson, Brandon, Winnipeg and larger planning districts.
- All building permits for farm buildings over 600m^2 are issued by the OFC under the Manitoba Farm Building Code (Office of the Fire Commissioner).
- Smaller farm buildings are exempt from requiring a building permit (however, they usually still require a development permit).

In best practice, municipalities or planning districts should issue development permits *separately* from building permits because these permits each address a distinct set of rules.

Separation for Fire Safety
The Manitoba Building Code and Fire Code has now adapted the regulations in the National Building Code of Canada (2010).

The Code includes standards for buildings based on the occupancy classification of the building, the construction methods and materials, the size of unprotected openings in the exposing building face, fire department response times, and the *limiting distance* (that is, the distance from an exposed building face to a property line, the centre line of a street, or to an imaginary line between two buildings on the **same** property).

See the *National Building Code of Canada (section A-3.2)* for more information.

Note: In order to simplify the application process for landowners, one combined application form could be used for development permits and building permits.

Development Permit Applications

No person may undertake any development or make any changes to the use of the land without a development permit (unless it is a minor development that has been exempted by a provision in the zoning bylaw) [147(1)]. All development must comply with the applicable development permit [147(1)].

To get a development permit, a landowner or developer must submit a development permit application to the municipality (or planning district) in which the proposed development will be located [147(2)]. *The Binder* provides model language for potential information that could be required in support of a development permit application.

Decision on Development Permits

The board or council (or a designated employee) may issue a development permit if it is satisfied that the proposed development generally conforms with the zoning bylaw, the development plan bylaw, and any secondary plan bylaw in effect [148(1)].

Before issuing development permits for livestock barns, lagoons, agrochemical storage facilities, bulk fuel tanks, or manure storage tanks, development officers should also be sure to check that these developments meet the required minimum separation distances to residential dwellings and settlement areas (and vice versa, when approving dwellings). These standards may be based on Provincial or Federal regulations.

The Planning Act requires boards or councils to process development applications within 60 days [148(2)]. A board or council can withhold a development permit for a further 125 days if it is currently preparing a new or amended development plan, secondary plan, or zoning bylaw [148(3)].

Other Permits and Regulations

After the development permit has been issued, a landowner is still responsible for ensuring that the development complies with other applicable provincial and federal regulations. The landowner must also be aware of other local permits that may be required at some point during the development process (including demolition permits, building permits, plumbing permits and electrical permits).

Minor Developments that Do Not Require a Development Permit

Zoning bylaws should include a provision that lists the types of development that do not require a development permit. This could include things like fences, flagpoles and patios (see an example in *The Binder* (5.4)). **Note:** A type of development that does not require a development permit must still conform to the applicable rules and standards in the zoning bylaw (for example, a zoning bylaw that does not require a development permit for fences can still include a provision that "fences must be less than two metres tall").

Zoning Memoranda (including a Certificate of Non-Conformity)

Any person with an interest in a building, parcel of land, or operation involving the use of land can apply to a planning district or municipality for a zoning memorandum that states whether or not the building, parcel, use, or intensity of use appears to conform with the zoning bylaw [85]. For example, an owner of a livestock operation could benefit from obtaining a zoning memorandum that states in writing the maximum number of animal units that have been approved for their operation.

Building Location Certificates
A *Building Location Certificate* (BLC) is based on a land survey that confirms the location of buildings and other structures on a property. Some municipalities require a *BLC* before they will issue a zoning memorandum stating a property conforms to the siting requirements in a zoning bylaw.

A *certificate of non-conformity* is a particular type of zoning memorandum that states in writing that a landowner has a building, land use, or parcel of land that was lawfully in existence before a new zoning bylaw was adopted [87].

PART 3: Adopting and Amending a Zoning Bylaw

Adopting a Zoning Bylaw

The municipality (or the planning district, in case of a district-wide zoning bylaw) must follow the steps outlined in *The Planning Act* to adopt (or amend) a zoning bylaw [74-79].

Before Getting Started

Update Development Plan

A municipality (or planning district) should ensure its development plan is up-to-date before updating or writing a new zoning bylaw. The zoning bylaw must be generally consistent with the development plan and any secondary plan in effect [68]. Therefore, a municipality or planning district should revise its zoning bylaw as soon as possible after it has revised a development plan (or secondary plan) in order to make the bylaws generally consistent.

Note: Manitoba Municipal Government has a long-standing funding program to share the cost of updating zoning bylaws with municipalities and planning districts. For more information on Community Planning Assistance grants, see the Manitoba Municipal Government website.

Review the Current Zoning Bylaw

When looking to adopt or amend a zoning bylaw, a municipality (or planning district) should review all of the variances and conditional use applications received in the last five years. If the number of variances and conditional uses seems high, it may be an indication that the current rules should be changed. A careful review can help to decide what changes to make in a new zoning bylaw.

Best Practice: Zoning Bylaw Review
The Red River Planning District recommends that a municipality ask the following questions when reviewing its zoning bylaw:

- Are the rules too stringent? That is, are people applying for more variances and conditional uses than desired?
- Is council accepting every variance and conditional use application? Should council be firmer in sticking to the rules?
- Do the height and setback requirements produce the built environment that the council and public want to achieve, as expressed in the development plan?

Writing the Bylaw

The zoning bylaw should be written with the help of a professional planner who has experience writing bylaws and preparing zoning maps. It is important to write clear, objective rules that are easy to understand and enforce. Wherever possible, the zoning bylaw should also be written in language that can be easily understood by the general public. Care should also be taken to use language and terminology that is consistent throughout the entire zoning bylaw.

Community Consultation

The zoning bylaw must also be written in a way that follows the community's vision and long-term goals. Some of these goals may already be expressed in the area's development plan and any secondary plans. The zoning bylaw's permitted and conditional uses, zones, general development standards and building form requirements must be "generally consistent" with these planning documents.

Best Practice: Adopting Zoning Regulations to Implement Development Plan Goals
The Thompson Planning District's development plan has policy objectives to "provide opportunities for mixed use developments at appropriate locations in order to improve walkability" (7.2.8). To realize this vision, the City of Thompson's zoning bylaw has several downtown zones (C-MU, C-DT1, and C-DT2) that permit multi-unit residential and a variety of retail uses. The side yard setback in the C-DT1 zone "may be reduced to zero metres to allow continuous retail frontage."

As best practice, however, a municipality or planning district adopting a new zoning bylaw should consult with the general public before the required public hearing. This consultation should seek input from all citizens. This public engagement strategy may utilize newsletters, community kiosks, surveys, open houses, workshops and websites. The information gathered would help the municipality or planning district to identify which aspects of the community should be preserved and which aspects should change to encourage different development in the future.

Testing

The potential effects of a new zoning bylaw should be tested prior to adoption by examining its application to existing and future use and development on different sites in the area.

For example, a municipality or planning district should test if the changes to the zoning bylaw would reduce the potential number of variances and conditional uses in the future. A review of the zoning bylaw should occur several months after it is adopted to see if it is working as expected.

Amending a Zoning Bylaw

The same general procedure is followed for amending an existing bylaw as is followed to adopt a completely new bylaw [80-82].

A board or council can initiate an amendment to a zoning bylaw at any time. Landowners can apply to the board or council to amend the zoning bylaw with respect to its effect on a property in which they have an interest. The board or council has, however, no obligation to amend the zoning bylaw if an application is without merit, is inconsistent with the development plan, or is substantially similar to an application that was refused within the previous year [80].

Amendments to a zoning bylaw might include changes to a zoning map, zoning categories, types of uses, regulations, or procedures. Any amendment must be consistent with policies in the development plan and be compatible with current and planned land uses.

Note: If a proposed zoning amendment is *not* generally consistent with the current development plan, it will be necessary to go through a development plan amendment process before the zoning bylaw can be amended.

Process for Adopting or Amending a Zoning Bylaw

A flow-chart illustrating the process to adopt or amend the bylaw is shown on the following page.

Process for Adopting or Amending a Zoning Bylaw

First Reading
Publication and Notice
Public Hearing [74]
Resolution & Notice Not to Proceed [77(2)]
Major Alteration [74(2)]
No Changes or Minor Alteration [74(3)]
Return to Publication and Notice for 2nd Public Hearing
First Objection [77(2)]
No Objection [75]
Second Reading (with Notice to Objectors) [77(3)]
Second Reading
No Further Objections [77(4)]
Second Objection [77(5)]
Third Reading
Third Reading
Resolution & Notice Not to Proceed [79(2)]
District or Municipal Board Notice & Hearing [77(7)]
Adoption [79(1)]
Adoption [79(1)]
Order Confirming By-Law with or without Changes [77(8)]
Order Refusing to Confirm By-Law [77(8)]
Notice of Board Decision [77(9)]
Notice of Board Decision [77(9)]
Third Reading (and compliance with decision) [77(6)]
Resolution & Notice Not to Proceed [79(2)]
Adoption [79(1)]

Figure 9: Process for Adopting or Amending a Zoning Bylaw

First Reading

A zoning bylaw, like all other bylaws, must be given three separate readings at meetings of the council (or the planning district, in the case of a district-wide zoning bylaw). Each reading must be put to a vote [*The Municipal Act*, 142(1)]. Every council or board member must have had the opportunity to review the text of the zoning bylaw before the first reading [*The Municipal Act*, 142(3)].

Public Hearing

After first reading, a board, council, or planning commission must hold a public hearing on the bylaw [74(1)]. This public hearing gives any person who may be affected by the zoning bylaw a right to voice their opinions on the bylaw. Special interest groups or members of the general public may also give representations at a public hearing. Notice of the hearing must be given in accordance with rules in *The Planning Act* [166-168].

After the public hearing, a board or council (or planning commission—see rules below) must consider the representations made at the public hearing. They may then decide to make changes to the zoning bylaw. If so, a second hearing must be held to receive representations regarding the alterations [74(2)]. If there are no changes, the council or board can give a second reading to the zoning bylaw or pass a resolution not to proceed with the bylaw [75].

For tips on conducting public hearings, see the Manitoba Ombudsman's Public Hearings for Municipalities fact sheet.

Second Reading

If the board or council gives the bylaw second reading, it must provide notice to any person who objected to the bylaw during the public hearing. The notice must advise objectors that they can file a second objection with the board or council. The notice will specify the deadline for filing a second objection, which must be at least 14 days after the date of the notice [77(3)].

Note on Multiple Readings at One Meeting: A council may not give a proposed bylaw more than two readings at the same council meeting [*The Municipal Act*, 142(2)].

Board Hearing

If a council receives a second objection, it must refer the objection to the board of the planning district or, if the municipality is not part of a planning district, to the Municipal Board. If a board receives a second objection in respect of a district-wide zoning bylaw the objection must also be referred to the Municipal Board [76-77].

Note: If a public authority (ex: the minister, a planning district board, a municipal council, or the Government of Canada) makes a second objection to the zoning bylaw, the objections must be referred to the Municipal Board [78(1)].

The planning district board or the Municipal Board, as the case may be, will then hold a public hearing to receive representations on the objections. The board must give notice of the hearing in accordance with *The Planning Act*. Any person may make representation to the board on the objection; however, the representation is limited to the objection or objections that have been referred to the board.

The planning district board or the Municipal Board must make a decision on the objection and issue an order within 30 days after holding the hearing. In the order, the planning district board or the Municipal Board can a) confirm or refuse to confirm any part of the bylaw that was the subject of the objection, or b) direct the board or council to alter the bylaw in the manner it specifies.

A copy of the order must be sent to the board or council that referred the objection and every person who made a representation at the hearing of the planning district board or the Municipal Board. The order of the planning district board or the Municipal Board is final and not subject to appeal [77].

Note for Planning Commissions
The council or board of a planning district with a district-wide zoning bylaw may assign a Planning Commission with the responsibility to hold a hearing on the adoption of a zoning bylaw [36(1)].

When a planning commission holds the public hearing for a zoning bylaw (after first reading), the board or council becomes, in effect, the appeal body rather than the Municipal Board [36(1)].

After holding a hearing on a zoning bylaw adoption, the planning commission must provide the board or council with a report on the hearing that includes the minutes of the hearing, the record of all representations made, and its recommendations on the matter considered at the hearing [36(2)].

Third Reading and Adoption

A board or council must not give the bylaw third reading unless:

a) The Municipal Board or the board of the planning district makes an order confirming the parts of the bylaw that were the subject of the objection; or
b) It complies with an order of the Municipal Board or the board of the planning district by altering the bylaw [77(6)].

The zoning bylaw is adopted once it has been signed following third reading [*The Municipal Act*, 145].

The council or board is then obligated to send a copy of the bylaw to the minister (care of the Community and Regional Planning Office) and send a notice of the bylaw's adoption to every person who made a representation at the hearing [79(1)]. The bylaw will come into force on the day after it is passed, unless a later date is specified in the bylaw [*The Municipal Act*, 146(1)].

Note: If a planning commission held the hearing on a second objection, the board of a planning district or council of a municipality may:

a) Give the bylaw third reading if no alterations are made to the bylaw
b) Alter the bylaw to address any representations on the objection made at the hearing and give the altered bylaw third reading without further notice or hearing
c) Pass a resolution not to proceed with the bylaw [76(6)]

PART 4: Administration and Enforcement

Variances

A zoning bylaw applies general regulations to the entire municipality or planning district in the case of a district-wide zoning bylaw. However, as a general bylaw, it may not be able to adequately deal with unusual or unique conditions of specific properties.

There may be locations where the standard regulations in a zone impose an unreasonable limitation on the development or use of a site due to its particular characteristics, including parcels of land that:

- Are odd-shaped (narrower at one end, for example).
- Have other physical characteristics that make complying with the requirements of a zoning bylaw impractical or unreasonable (a steep slope cuts off part of the yard, for example).

Any landowner who believes that a zoning bylaw *adversely* affects his or her property rights may apply for an order *varying specific provisions* of the zoning bylaw insofar as they apply to the *affected property* [94(1)].

Example: An owner of an odd-shaped parcel of land in a residential neighbourhood might not be able to provide a required minimum 15-foot side yard in order to build a house. This person is entitled to seek a variance from the zoning bylaw regulations that result in undue hardship for this property.

Four Variance Requirements

Variance applications must only be approved if the variance meets the following four requirements:

1. **Compatibility:** The proposed variance will be compatible with the general nature of the surrounding area.
2. **No detrimental effect:** The proposed variance will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area.
3. **Minimum modification:** The proposed variance is the minimum modification required to relieve the **injurious affect** of the zoning bylaw on the applicant's property (for example, a variance cannot vary a requirement by 25 per cent if only 10 per cent is necessary).
4. **Consistency:** The proposed variance is generally consistent with the applicable provisions of the development plan bylaw, the zoning bylaw and any secondary plan bylaw [97(1)].

Note: Some zoning bylaws improperly use the term "variation" to describe a variance. In Manitoba, zoning bylaws should always use the term "variance," which is the term used in *The Planning Act*.

What Can Be Varied?

The Planning Act does not specify the types of provisions in a zoning bylaw that may be varied; however, because these variances must apply to an "affected property," variances cannot be made to provisions in the General Regulations or Definitions sections of a zoning bylaw, for example [94(1)].

Typically, variances are used to provide specific relief from provisions restricting building height, site width, site area, lot coverage, building floor space, minimum yards, dwelling unit density, or parking requirements (as they apply to an individual site).

Use Variances

As a general rule, a variance order cannot be made for a change in land use [97(2)]. For example, if heavy industrial use was not permitted in a zone, a landowner could not apply for a variance to allow this use (instead, the landowner would have to apply for a zoning amendment to rezone the property to another zone in which heavy industrial is a permitted or conditional use).

However, there are two exceptions to this restriction on use variances:

a) If it is a *temporary change* of land use for a period of not more than five years; or
b) If it is a use that is *substantially similar* to a use that is allowed under the zoning bylaw [97(2)].

Note: Use variances that satisfy one of these exceptions must also follow the other *four variance requirements* in *The Planning Act* described above [97(1)].

Example: An application for a use variance to operate a temporary aggregate mining operation in a rural residential zone (where such a use is not permitted or conditional) could be denied if it is determined that the proposed use is not compatible with the general nature of the surrounding area and could negatively affect other properties or potential development in the surrounding area.

The variance process is shown in the flowchart on the following page.

Process for a Variance

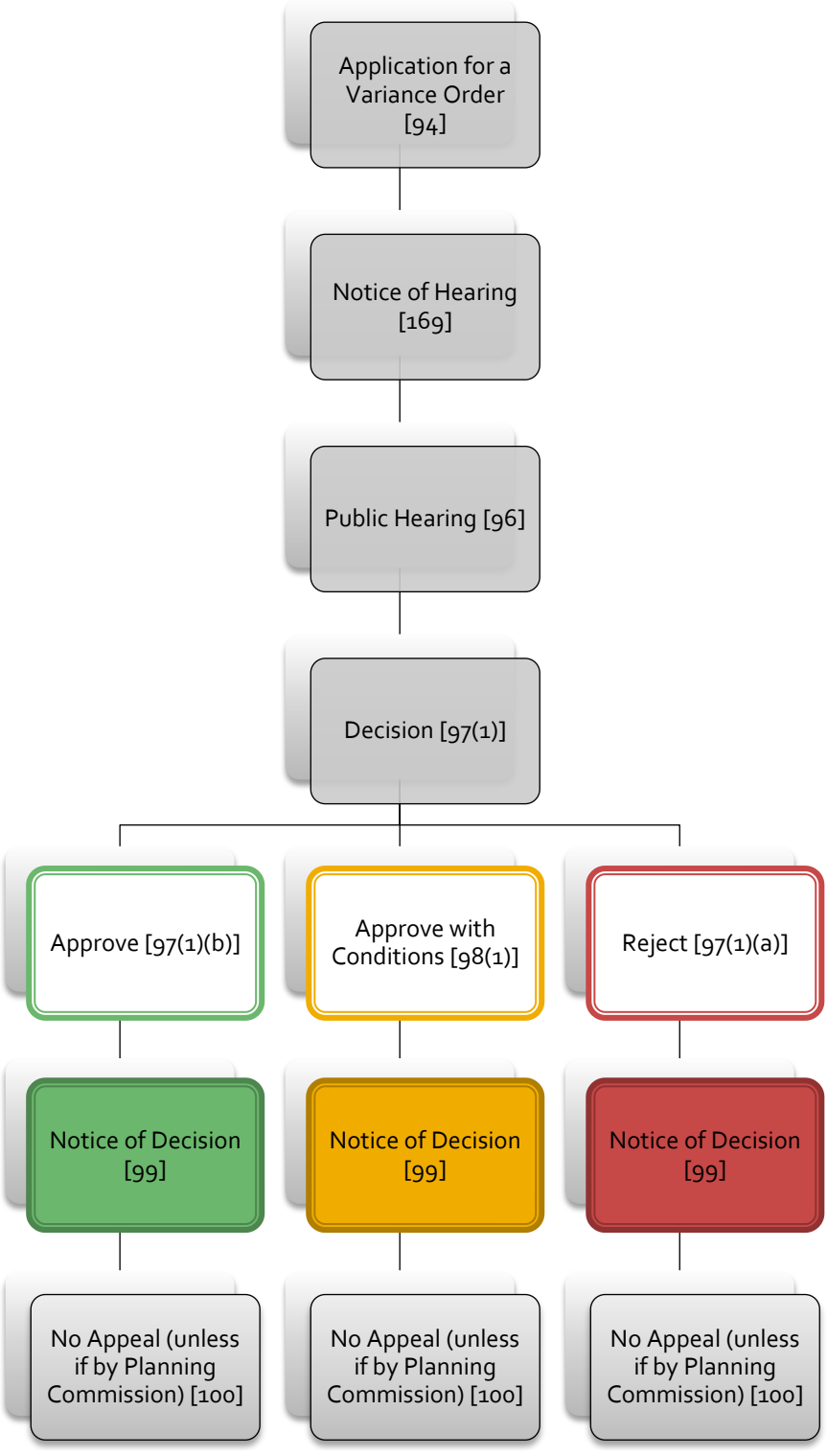

Application for a Variance Order [94]
Notice of Hearing [169]
Public Hearing [96]
Decision [97(1)]
Approve [97(1)(b)]
Approve with Conditions [98(1)]
Reject [97(1)(a)]
Notice of Decision [99]
Notice of Decision [99]
Notice of Decision [99]
No Appeal (unless if by Planning Commission) [100]
No Appeal (unless if by Planning Commission) [100]
No Appeal (unless if by Planning Commission) [100]

Figure 10: The Variance Process

Application for a Variance Order

Landowners who believe that a zoning bylaw adversely affects their property rights may apply to the municipality or planning district for an order to vary specific provisions of the zoning bylaw as they apply to the affected property [94(1)].

The board or council will provide a form for the applicant to fill out, which may require supporting material. The municipality or planning district board may charge a fee for this application.

Notice of Hearing

A variance on a parcel of land might adversely affect neighbouring properties. The council, board, or planning commission must therefore hold a public hearing for the variance application. Notification of the hearing must be posted in the municipality or planning district office 14 days before the hearing date and every property owner within 100 meters of the affected property (or a greater distance, if required by the zoning bylaw) must be notified [96(b), 169].

Hearing

During a public hearing on a variance, the council, board or planning commission will hear representations from those who might be affected by the variance [96]. The standard rules for public hearings must be followed in this event [172-173].

Decision

After holding the hearing, the council, board, or planning commission must make a variance order. The order will: reject the variance, approve the variance (stating which specific provisions in the zoning bylaw are being varied), or approve the variance with conditions.

The decision of a council or planning district board is final. There is no appeal.

A variance order from a planning commission may be appealed to the board or council, following the requirements in *The Planning Act* [34-35].

Conditions of a Variance Order

In making a variance order, a board, council or planning commission may impose any conditions on the applicant or the owner of the affected property that it considers necessary to meet the *four variance requirements* [98(1)].

For example, in order to reduce the likelihood that the variance would negatively affect other properties or potential development in the surrounding area, a board, council or planning commission might impose conditions to limit the intensity of the use, the hours of operation, or external signage or storage of materials.

Note: Variance orders should only include conditions that a municipality or planning district can feasibly administer and enforce.

As part of the conditions of a variance order, the owner of the affected property may be required to enter into a development agreement with the municipality or planning district.

Notice of Decision

The board, council or planning commission must send a copy of its order to the applicant and every person who made a representation at the hearing [99].

Expiry of a Variance Order

A variance order has a fixed maximum term and will expire if the applicant does not act upon the order within 12 months of the decision date (unless the variance order is extended) [101(1)].

If an extension to a variance order is required, applicants must apply for an extension before the initial deadline. The board, council, or planning commission may extend the deadline for an additional period not longer than 12 months [101(2)].

Revoking a Variance Order

A council or planning district board may revoke a variance order at any time if the applicant fails to comply with the variance order or any imposed conditions [98(2)].

Minor Variances

Boards or councils may authorize, by bylaw, a designated employee or officer to make minor variance orders.

The designated employee's authority is limited to making a minor variance order that varies the requirements in a zoning bylaw by:

a) Any height, distance, area, size or intensity of use requirement in the zoning bylaw by no more than 10 per cent; or
b) The number of parking spaces required by the zoning bylaw by no more than 10 per cent [102(1)].

Minor variance orders do not require a public hearing or public notice [102(2)]. However, in making an order on an application for a minor variance, the designated employee or officer must still follow the *four variance requirements* in *The Planning Act* [97(1)(b)].

The designated employee or officer may reject the requested variance or make an order varying the application of the zoning bylaw (with respect to the affected property) subject to any conditions considered necessary to meet the four variance requirements.

If the designated employee or officer wishes to make a minor variance order subject to conditions, the applicant must be given a reasonable opportunity to make representations about the proposed conditions [102(4)].

The decision of a designated employee or officer on a minor variance may be appealed to the board or council (following the steps of the general variance process [102(6)].

The process for a minor variance is shown in the flowchart on the following page.

Process for a Minor Variance

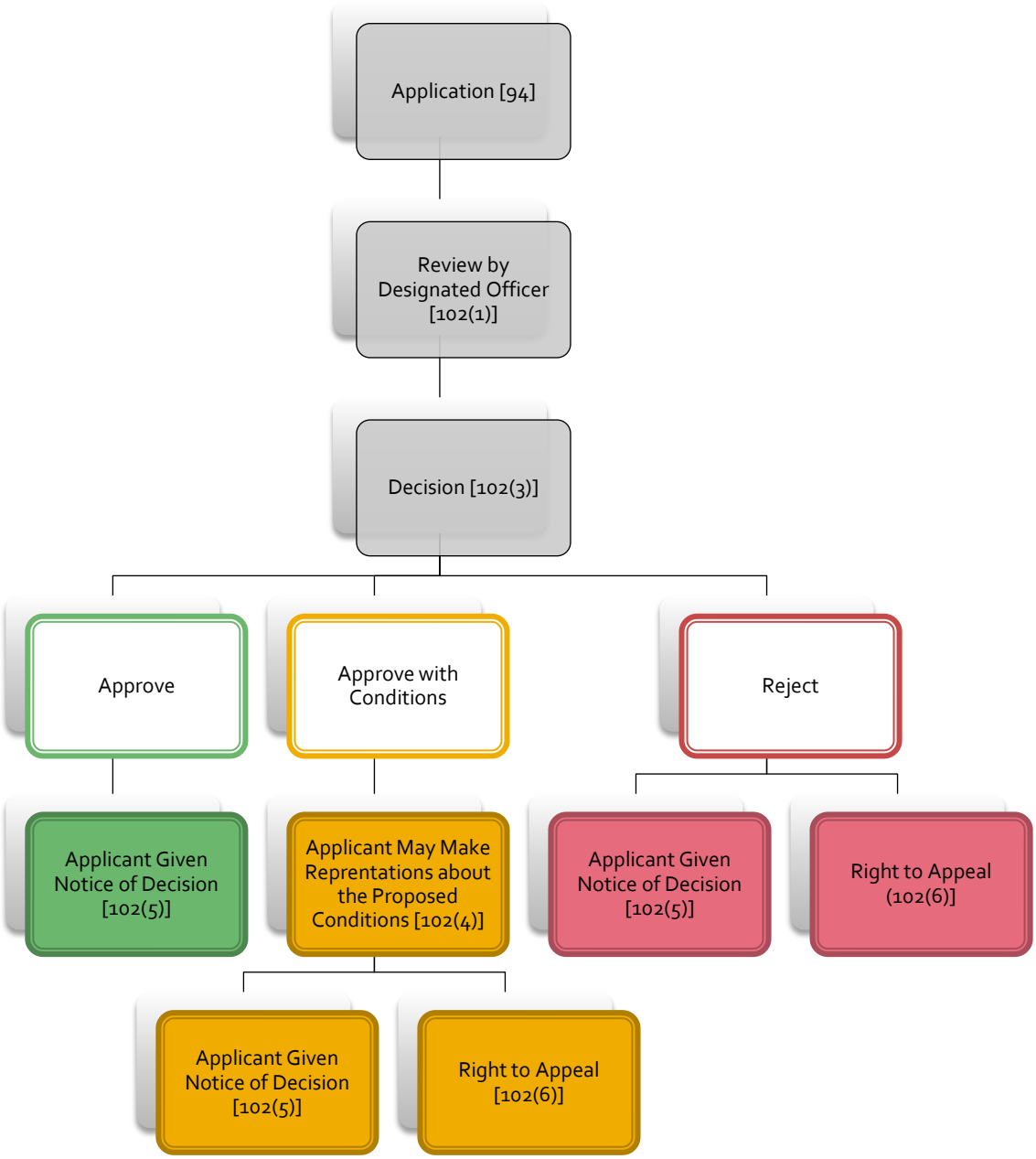

Application [94]
Review by Designated Officer [102(1)]
Decision [102(3)]
Approve
Approve with Conditions
Reject
Applicant Given Notice of Decision [102(5)]
Applicant May Make Reprentations about the Proposed Conditions [102(4)]
Applicant Given Notice of Decision [102(5)]
Right to Appeal (102(6)]
Applicant Given Notice of Decision [102(5)]
Right to Appeal [102(6)]

Figure 11: The Minor Variance Process

Conditional Uses

A **conditional use** is a use of land or buildings that may be allowed under a zoning bylaw. A conditional use should be a use that cannot simply be permitted without being considered on a case-by-case basis. Because of this, conditional uses are subject to a public hearing as part of the review process.

The general process for reviewing and approving conditional uses must follow the steps outlined in *The Planning Act* [103-110]. No person may undertake a conditional use without first obtaining approval following these steps (described below) [103(1)].

The Conditional Use Process for Livestock Operations

The Planning Act includes special provisions regarding conditions on livestock operations. Section 107 limits the conditions that may be imposed on small livestock operations. Large livestock operations are subject to additional steps in the review and approval process, including review by a Technical Review Committee [111-118].

For more information on these operations, see *The Plug-Ins* section on livestock operations and the Manitoba Municipal Government website.

Three Conditional Use Requirements

A council, board or planning commission (if authorized under *The Planning Act* [104]) must only approve general conditional use applications if the conditional use meets the following three requirements:

1. **Compatibility:** The use will be compatible with the general nature of the surrounding area.
2. **No detrimental effect:** The use will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area.
3. **Consistency:** The use is generally consistent with area's development plan, secondary plan and zoning bylaw [106(1)].

The general conditional use process is shown in the flowchart on the following page.

Process for General Conditional Uses

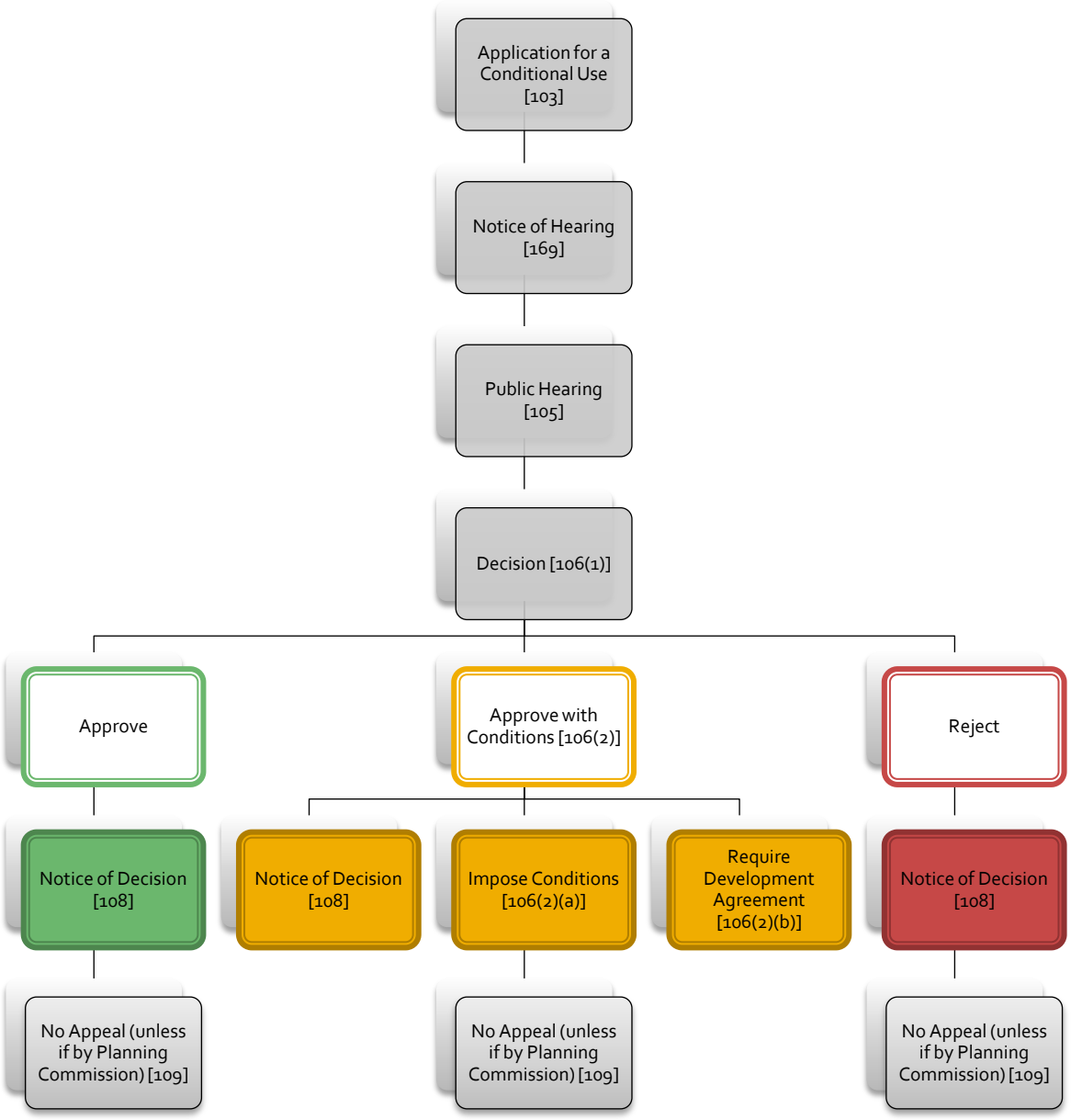

Application for a Conditional Use [103]
Notice of Hearing [169]
Public Hearing [105]
Decision [106(1)]
Approve
Approve with Conditions [106(2)]
Reject
Notice of Decision [108]
Notice of Decision [108]
Impose Conditions [106(2)(a)]
Require Development Agreement [106(2)(b)]
Notice of Decision [108]
No Appeal (unless if by Planning Commission) [109]
No Appeal (unless if by Planning Commission) [109]
No Appeal (unless if by Planning Commission) [109]

Figure 12: The Conditional Use Process

Note: These steps do not apply to large-scale conditional use livestock operations. For more information on these operations, see *The Plug-Ins* section on livestock operations and the Manitoba Municipal Government website.

Application for a Conditional Use

The owner of a property (or someone authorized in writing by the owner) must apply to a council or board for approval in order to develop their land for a use that is listed as a conditional use in the zoning bylaw [103].

The board or council will provide a form for the applicant to fill out, which may require supporting material. The application will also likely include a fee.

Notice of Hearing

Allowing a conditional use on a parcel of land might adversely affect neighbouring properties. Therefore, a council, board, or planning commission must give public notice of the application and hold a public hearing to receive representations on the proposed conditional use [105].

Councils, boards, and planning commissions must follow the procedures in *The Planning Act* for giving notice on conditional use hearings [105(b), 169].

Public Hearing

During a public hearing on a conditional use, the council, board, or planning commission will hear representation from those who might be affected by the conditional use, following the standard procedures for public hearings as set out in *The Planning Act* [172].

Decision

After hearing all of the representations at a public hearing, the council, board, or planning commission will make an "order" respecting its decision on the conditional use application. It can reject the requested conditional use, it can approve the conditional use (provided the conditional use meets the three conditional use requirements) or it can approve the application with conditions. As one of these conditions, the board, council or planning commission may require the applicant to enter into a development agreement [106(2)].

This decision of a board or council is final and cannot be appealed. Where a planning commission makes a decision on a conditional use, the decision can be appealed to a council or planning district board [109].

Conditions of a Conditional Use Order

When approving an application for a conditional use, the board, council or planning commission may impose any conditions on the approval that it considers necessary to meet the three conditional use requirements listed above (106). Once again, conditional use orders should only include conditions that a municipality or planning district can feasibly administer and enforce.

A condition imposed on the approval of a conditional use may only be changed by restarting the process in the same way as if the applicant was applying for a new conditional use [106(4)].

Note: There are separate conditions for livestock operations. Conditions for small livestock operations (fewer than 300 animal units) are found in *The Planning Act* [107]. Conditions for large-scale conditional use livestock operations are found in [116].

Best Practice: Appropriate Conditions in a Conditional Use Order
An example of an *appropriate* use of conditions when retail is a conditional use in a residential zone would be conditions related to such matters as parking, fencing, access, signage, outdoor storage or hours of operation to mitigate potential adverse effects of the proposed use on nearby residences.

An example of an *inappropriate* use of conditions would be an order that states that the conditional use approval ends if the owner of the land changes (conditional uses run with the land and cannot be based on a particular property owner).

As an alternative solution using *appropriate* conditions, a board, council, or planning commission may impose a time limit on a conditional approval so that the approval expires at a specific date. The applicant would then have to reapply for approval upon the expiry of the initial approval.

Notice of Decision

The board, council or planning commission must send a copy of its conditional use order to the applicant and every person who made a representation at the hearing, following the requirements in *The Planning Act* [108].

The order of a board or council on an application for approval of a conditional use is final and not subject to appeal. The order of a planning commission on an application for approval of a conditional use may be appealed [34-35].

Expiry of a Conditional Use Order

A conditional use order will expire if the applicant does not act upon the order within 12 months of the decision date (unless this conditional use order is extended) [110(1)].

If an extension to a conditional use order is required, applicants must apply for an extension before the initial deadline. The board, council, or planning commission may extend the deadline for an additional period not longer than 12 months [110(2)].

Revoking a Conditional Use Order

A council or planning district board can revoke a conditional use order at any time if the applicant fails to comply with the order or any conditions imposed by the order [106(3)].

Development Agreements

The Planning Act allows a board, council or planning commission to enter into a development agreement with an owner of an affected property as a condition of amending a zoning bylaw, making a variance order or approving a conditional use (or subdivision) [150].

A development agreement between the owner of the affected property and the planning district or municipality can be in respect of the affected property and any contiguous land owned or leased by the owner [150].

Matters that Can Be Covered in a Development Agreement

A development agreement may deal with one or more of the following matters:

(a) The use of the land and any existing or proposed building;

(b) The timing of construction of any proposed building;

(c) The siting and design, including exterior materials, of any proposed building;

(c.1) The provision of affordable housing (for more information, see *The Plug-ins*, page C-58), if the application is for an amendment to a zoning bylaw to permit a new residential development that is required to provide a certain percentage of affordable housing;

(d) The provision of parking;

(e) Landscaping, the provision of open space or the grading of land and fencing;

(f) The construction or maintenance—at the owner's expense or partly at the owner's expense—of works, including but not limited to, sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access and connections to existing services;

(g) The payment of a sum of money to the planning district or municipality in lieu of the requirement under clause (f) to be used for any of the purposes referred to in that clause;

(h) The dedication of land or payment of money in lieu of land, where the application is for an amendment to a zoning bylaw to permit a residential use, use for a mobile home park or an increase in residential density [150].

A board, council or planning commission cannot require the owner of an affected property to enter into a development agreement for any item that is not included in the above list. **For example:** A development agreement cannot require a developer proposing to build an office building to contribute funds towards a new recreation centre.

Long-term development agreements require an effective administrative system to monitor. Individual development agreements can increase administration and enforcement obligations and may become difficult to administer over time.

However, some of these challenges can be addressed by having development agreements "run with the land" [151]. When a caveat with a copy of the agreement is filed in the appropriate land titles office, the agreement binds the owner of the land affected by it, and the owner's heirs, executors, administrators, successors and assigns [151(1)].

When Do Development Agreements Come into Effect?

A development agreement can be entered into before an order, approval or amendment to a bylaw is made, but the agreement is not binding until the amendment has passed or the order or approval has been made [151(2)].

Variance or Conditional Use Orders versus Development Agreements

Instead of relying on development agreements, it is better to put conditions directly into a variance order [98(1)] or a conditional use order [106(2)]. Variance orders or conditional use orders are easier to enforce than development agreements because municipalities or planning districts can revoke permits if the owner does not comply.

Enforcement

This section discusses the statutory authority for the enforcement of zoning bylaws. It also explains the tools municipalities and planning districts can use to enforce the bylaws.

***Note**: The rules for enforcement described below are outlined in Part 12 of* The Planning Act. *Zoning bylaws do not need to include provisions repeating that information.*

Development Inspections

A designated employee or officer of a planning district or municipality may enter land or a building to conduct an inspection to determine if a person is complying with a zoning bylaw or with the terms or conditions of a permit, approval or order made or issued under *The Planning Act* [175(1)].

The designated employee or officer may take any action authorized under *The Planning Act* or a bylaw to enforce or remedy a contravention of the zoning bylaw or the terms or conditions of a permit, approval or order [175(1)(b)].

When conducting an inspection, the designated employee or officer can request that documents and records be produced to assist in the inspection. The designated employee or officer can make copies of or (on providing a receipt) remove a record, document or other item related to the inspection [175(2)].

No person may interfere with a designated employee or officer who is conducting an inspection or enforcement action [175(3)].

Requirements for an Inspection

There are several requirements that must be met before a designated officer can inspect a property to determine if a person is complying with the zoning bylaw or terms and conditions of a permit, approval or order:

1. **Reasonableness:** An inspection or enforcement action must normally take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building (except in an emergency) [176(3)].

2. **Consent or Warrant:** The designated employee or officer may only enter the land or building in question with the consent of the occupier or under authority of a warrant issued by a justice. If the designated employee or officer is refused entry, or has reason to anticipate that entry will be refused, the designated employee or officer can apply to a justice to obtain a warrant to enter the land or building and conduct an inspection or enforcement action [176(1)].

3. **Identification:** The designated employee or officer must, upon request, produce identification showing that the planning district or municipality has authorized the inspection or enforcement action [176(2)].

Note on Warrants: In some situations it may be prudent to have another person, in addition to the designated employee or officer, to assist in an inspection. The warrant can authorize the designated employee and any other person named in the warrant to enter the land or building and conduct an inspection or enforcement action [177].

Orders

Order to remedy contravention

If the designated employee or officer finds that a person is contravening a zoning bylaw, or the terms or conditions of a permit, approval or order* made or issued under authority of *The Planning Act*, the designated employee or officer may issue a written order which may:

- Direct the person to stop doing something, or to change the way in which the person is doing it.
- Direct the person to take any action or measure necessary to remedy the contravention and, if necessary, to prevent a recurrence of the contravention.
- State a time within which the person must comply with the order.
- State that if the person does not comply with the order within the specified time, the district or municipality may take any action required to remedy the contravention, at the expense of the person [178].

***Note:** If a person is not complying with a variance order or conditional use order (or with any conditions imposed in these orders), a council or planning district may, after the owner is given reasonable notice, revoke the variance order [98(2)] or conditional use order [106(3)]. The threat of having a variance or conditional use order revoked might encourage a landowner to comply with a board or council before they need to take additional measures to remedy the contravention.

Review by Board or Council

If a person against whom an order is made disagrees with the order, the person can require the board or council to review the order by submitting a written request. The request must be sent to the board or council no later than 14 days after the order was made [178(3)].

If a board or council receives a written request it must review the order. After the review the board or council may confirm, vary, or rescind the order [178(4)].

Remedying Contraventions

A planning district or municipality may take any action or measure that is **reasonable to remedy the contravention** if:

- The designated employee or officer has given a written order
- The order has the necessary content (listed above)

- The person to whom the order was directed has not complied with the order within the time period specified in the order
- The deadline for requesting a review has passed or, if a review of the order has been requested, and the decision of the board or council was to allow the district or the municipality to take the action or measure [179(1)]

Example of Reasonable Action: A municipality can, for example, issue a notice requiring an individual to demolish a non-conforming building. If the individual does not demolish the building within the specified time period, it is within the municipality's legal authority to remedy the contravention by demolishing the building.

The costs of an action or measure to remedy a contravention of the zoning bylaw taken by a planning district or municipality are a debt owing to the district or municipality by the person who contravened the bylaw [179(2)].

Injunctions

A planning district or municipality may also apply to the Court of Queen's Bench for an injunction or other order to enforce a bylaw made under *The Planning Act*, or to restrain a contravention of the bylaw without initiating prosecution.

The court may grant or refuse to grant the injunction or other order, or may make any other order that it considers fair and just [180].

Offences

A person is guilty of an offence if they contravene the act or a bylaw adopted under the act or the terms or conditions of a permit, approval or order made or issued under the act.

When a contravention continues for more than one day, the person is guilty of a separate offence for each day the offence continues [181(2)].

If a corporation commits the offence, a director or officer of the corporation who authorized, permitted or acquiesced in the commission of the offence is also guilty of an offence. The director or officer of the corporation is liable on summary conviction to the penalties under the act, whether or not the corporation has been prosecuted or convicted [181(3)].

Every person who is guilty of an offence under *The Planning Act* is liable on summary conviction to:

a) In the case of an individual, a fine of not more than $5,000, or imprisonment for a term of not more than six months, or both; and

b) In the case of a corporation, a fine of not more than $20,000 [182(1)].

When a person is convicted of an offence, a justice may, in addition to imposing a penalty, order the person to comply with the provision of the act or the bylaw that the person contravened. The justice can also order the person to pay to the planning district or municipality the amount of the costs incurred by the district or municipality as a result of the contravention [182(2)].

A prosecution under *The Planning Act* must be initiated no later than two years after the day the alleged offence was committed [183].

The Municipal Bylaw Enforcement Act

Under the enforcement regulations in the current *Planning Act*, to enforce a violation of a zoning or building bylaw through an offence, people have to be charged with an offence and prosecuted through the Provincial Court system. The person charged is entitled to a trial before a judge if they dispute an offence. Municipalities and planning districts rarely proceed with such action because of the large amount of time and legal costs they typically incur.

To deal with the challenges with bylaw enforcement through an offence, the province passed *The Municipal Bylaw Enforcement Act*. Under this act, municipalities and planning districts may adopt a system that will process and resolve bylaw violations using an administrative penalty scheme that does not involve court proceedings.

In an administrative penalty scheme, a bylaw enforcement officer would first issue a penalty notice to an offender. The offender can either pay the penalty or request that a screening officer review the penalty notice. A screening officer is a person appointed by the municipality or planning district to review penalty notices. The screening officer may confirm, cancel or in some cases reduce the amount of the penalty notice. If not satisfied with the screening officer's decision, the offender may refer the decision to a provincially-appointed adjudicator for review. The adjudicator has the final decision on the penalty notice.

Municipalities and planning districts may join together to share the administrative costs and duties under *The Municipal Bylaw Enforcement Act*.

Note: While *The Municipal Bylaw Enforcement Act* has been passed, it is not yet in force. Please note that once it and the supporting regulations are in force, a penalty notice scheme will also be put in place.

PART 5: Definitions

The following section provides municipalities and planning districts with guidance on the definitions section of zoning bylaws.

General Guidelines for Definitions

What Should Be Defined?

There are three reasons to define a term in the definitions section of the zoning bylaw:

1. **To remove ambiguity** (for example, **corner parcel** means a zoning site situated at the intersection of two streets)
2. **To standardize a form of shorthand** (for example, ***the Act*** refers to *The Planning Act*)
3. Where a term has a **specific meaning** in the zoning bylaw (for example, **dwelling** means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities)

Do Not Define Common Terms

Do not define common terms in a zoning bylaw. There is usually no need to define, for example, a playground or a cemetery. Defining common terms could actually increase ambiguity in the bylaw because the definition takes precedence over the common understanding of the term.

Do Not Define Terms That Do Not Appear in the Bylaw

The definition section should only include definitions of terms that are found in the text of the zoning bylaw. Municipalities (or planning districts, in the case of a district-wide zoning bylaw) should review the list of definitions to make sure that all terms are necessary to include.

Plain Language

Definitions should be written using plain language (to the greatest possible extent). Use simple words and short sentences. As a general rule, definitions should not contain the word or term that they are trying to define.

Consistent with Legislation

Generally, definitions should be consistent with *The Planning Act* and other legislation that has already defined a term (see an exception with the word **building**, below).

> **Example:** *Livestock operation* is defined in *The Planning Act*. Do not include a custom definition for livestock operation in the zoning bylaw.

Improper Terminology

It is important to avoid including definitions of planning terms from other jurisdictions that are different from how such terms are commonly used in Manitoba.

Rules of Measurement

Zoning bylaws need specific rules for how to measure lot sizes and yards for irregular lots, corner lots, reverse key lots, flag-shaped lots, etc. The zoning bylaw should include rules about how to define front, side and rear yards for irregular lots or those that front onto waterways instead of streets.

Notes for Specific Words

Building is defined in *The Planning Act* [1(1)]. However, the definition of building in the act is quite broad and includes things that, in common language, are not normally considered to be a building. In the act, the word **building** "includes a well, pipe line, conduit, cut, excavation, fill, transmission line and any structure or erection, and any part of any of those things, and also includes an addition to or extension of any building or any of those things and a chattel that is attached to, or installed in or on, any building or any of those things." *The Binder* includes a definition of the word with a specific meaning that excludes the items above that are not normally considered to be part of a building.

Church—Not all religions worship in churches (some religions worship in mosques or synagogues, for example). To regulate these buildings in land use bylaws, municipalities should be careful not to discriminate based on religion. Therefore, zoning bylaws should refer to all such buildings as *Places of Worship*.

Communal Farm Settlements—Some zoning bylaws define and regulate communal farm settlements like Hutterite Colonies. A better approach is to treat these operations consistently with other operations in agricultural zones, where secondary uses (like machine shops and schools) are acceptable provided agriculture remains the principal land use.

Condominium refers to a form of ownership where units are owned by individuals but where expenses common to all parties are shared. Condominiums are not a particular type of housing and therefore should never be included on a Use Table.

Construction is defined in *The Planning Act* [1(1)].

Development is defined in *The Planning Act* [1(1)].

Duplex means a building with one unit built above another, with neither unit being considered individually as the primary use. [**Side-by-side** means a **building** where the units are arranged next to each other and share a **party wall**].

Dwelling—Zoning bylaws should not define dwellings according to construction type (ex: stick-built, modular, RTM, "used"). This distinction is hard to define (many "stick-built" homes now include "modular" parts). Concerns about different types of housing construction for safety reasons should be addressed through building bylaws and the building permit process, **not** zoning bylaws.

Family—The term *family* (including the terms "single-family," "two-family," and "multi-family") could be defined in ways that are discriminatory. In 1979, the Supreme Court of Canada ruled that the municipality's zoning bylaw (in the case of *Bell v. Her Majesty the Queen*) used a discriminatory definition of the term *family*, which was based on marriage, blood relationships, and adoption.

Instead, zoning bylaws should use neutral terms such as *single-unit dwelling*, *two-unit dwelling*, and *multi-unit dwelling*. If a council thinks it is necessary to define "family", it should use the following definition, which is based on the "housekeeping unit" and has been successfully defended in court (*Smith v. Township of Tiny)*: "***Family** means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single-housekeeping unit."*

Land is defined in *The Planning Act* [1(1)].

Livestock Operation is defined in *The Planning Act* [1(1)].

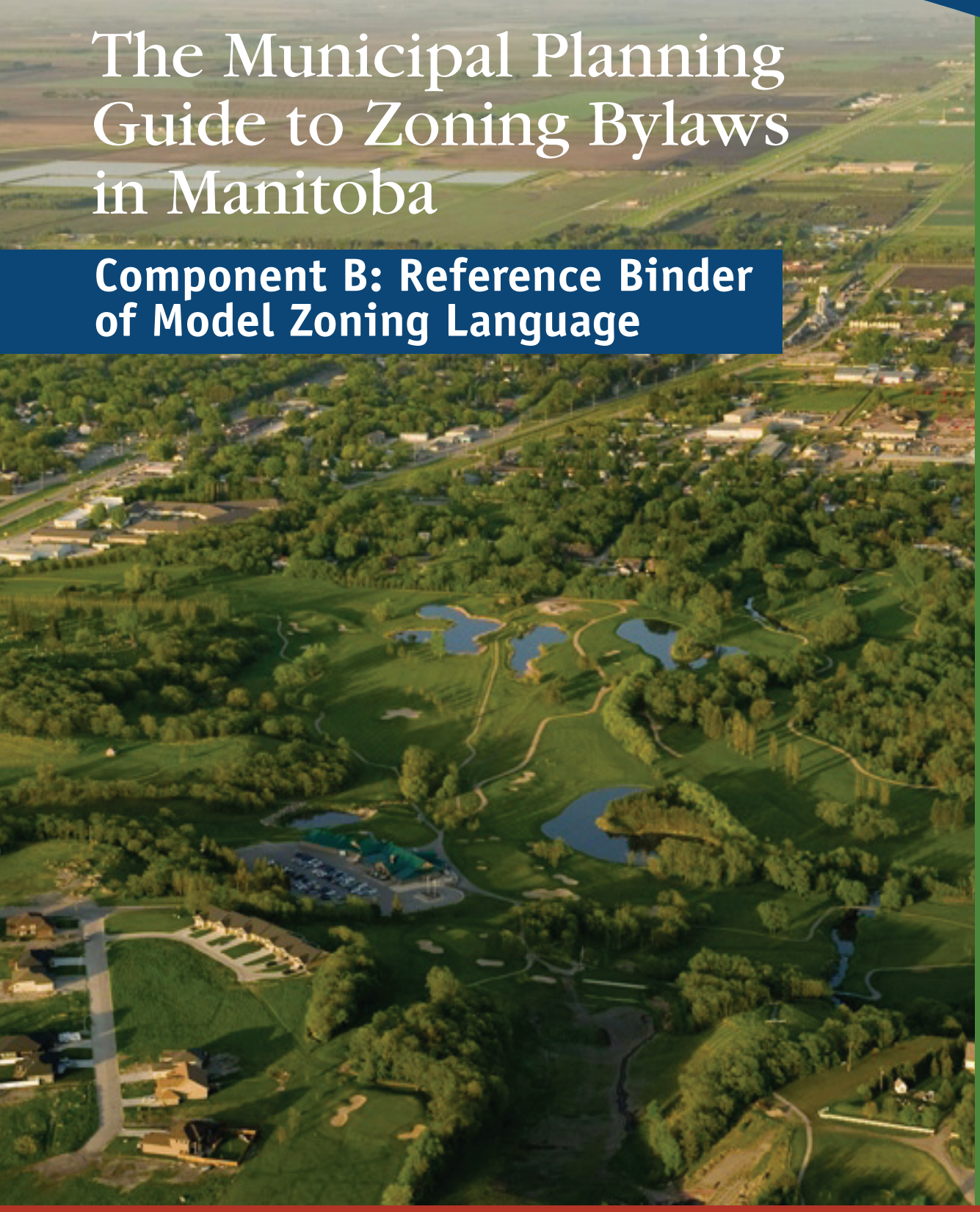
Livestock Production Operation—this is an example of improper terminology, which is out-of-date. According to *The Planning Act*, it should be called a *Livestock Operation*.

Secondary Suite—Zoning bylaws should be careful not to discriminate by "zoning people" when defining secondary suites. Zoning bylaws cannot regulate the class of people who can live in a secondary suite (ex: It is discriminatory to say, "Only blood relatives may live in a secondary suite").

Townhouse [or Rowhouse] means three or more dwelling units which are attached together in whole or in part above and/or below grade and divided from each other by a vertical party wall and in which each dwelling unit has a private independent entrance directly from a yard.

The Municipal Planning Guide to Zoning Bylaws in Manitoba

Component B: Reference Binder of Model Zoning Language



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The consultants received broad input from across the province and the Guide reflects the thoughtful contributions of those listed here. Members of the Steering Committee from Manitoba Municipal Government's Community Planning and Development Division provided guidance and oversight. Many other people, including more than thirty representatives from municipalities and planning districts from across the province, also shared their knowledge of zoning through workshops, interviews and written comments. The last page of the Guide contains a full list of contributors to this project.

A final thank you goes to Steve P. Hiebert for supplying the cover page photo.

REFERENCE BINDER

OF MODEL ZONING LANGUAGE

MUNICIPAL PLANNING GUIDE TO ZONING BYLAWS IN MANITOBA
COMPONENT B

November 2015

PREFACE

This is the second of three components of the *Municipal Planning Guide to Zoning Bylaws in Manitoba*:

A) The Introduction to Zoning (The Introduction)
B) The Reference Binder of Model Zoning Language (The Binder)
C) The Plug-In Sections of Zoning Tools (The Plug-Ins)

The Guide is intended to meet the needs of rural areas and smaller urban municipalities in Manitoba (outside of Winnipeg and Brandon).

This component contains a basic model zoning bylaw that updates the *Template Zoning Bylaw for Municipalities in Rural Manitoba (1999).* Communities should use it as a starting point when writing a new zoning bylaw or amending an existing zoning bylaw, adapting it to meet local needs and circumstances.

Please see *The Plug-Ins* (Component C) for additional rules and standards for other uses that may be found in zoning bylaws (ex: livestock operations).

A note on the organization of this document…

This model zoning bylaw is organized from the most general regulations to the most specific, using the following structure:

1. Sections containing provisions that apply to all properties within the area (the Application and Scope section followed by General Rules and Regulations)
2. Provisions that apply to specific areas (Zones)
3. Provisions that apply to specific uses (Use-Specific Standards)
4. Provisions for administering the zoning bylaw (Administration and Enforcement)
5. Provisions regarding the interpretation of specific words (Definitions)
6. Maps and Appendices

The document includes text in various formats:

- *Explanatory notes are shown in italicized text or may be enclosed in a text box.*
- Values that should be changed, depending upon local circumstances, are shown in [square brackets] and highlighted in grey.
- Plain text is used for the text of the model bylaw.

[NAME OF MUNICIPALITY OR PLANNING DISTRICT]

ZONING BYLAW

[Emblem or Logo of Municipality or Planning District]

Bylaw No. [xx.xxx]

[Date]

Note: This page is intended to be a helpful guide for landowners, development officers, and members of the general public. Updated zoning bylaws should include a page like this at the start of the document.

How to Use This Zoning By-Law

This zoning bylaw regulates the use, size, height and location of buildings on properties within the [Name of Municipality or Planning District with a District-Wide Zoning Bylaw]. There is a simple four-step process to determine the uses and structures that are permitted on a specific piece of property.

Step One **What zone is your property located in?**

- Use the Zoning Map [in Schedule A] to determine the zoning for your property.
- Reference [Part 3: Zones] for a description of the intent of that particular zone.
- Look in the Development Plan and any Secondary Plan that applies to your property to confirm your proposal fits with the applicable policies in those documents.

Step Two **What uses are permitted in your zone?**

- Find the column with the zone of your property in the **Use Table** in [Part 3:Zones]
- Uses marked with the letter [P] are permitted uses and may be developed once you have received a development permit.
- Uses marked with the letter [C] are conditional uses that may or may not be acceptable in a zone depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Uses marked with a [*] have use-specific requirements that are provided in [Part 4: Use-Specific Standards].

Step Three **How and where can you develop properties in your zone?**

- Find the column with the zone of your property in the **Bulk Table** in [Part 3: Zones]
- The Bulk Table provides information on allowable height of buildings and structures, required yards, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the General Rules and Regulations [Part 2] and the Definitions [Part 6].

Step Four **What kind of permits do you need?**

- In most cases, you will need a development permit before you start any change in land use or any development (including construction of a building) on a property.
- Check the Administration section [Part 5] to see if your planned development is exempt from needing a development permit. If so, you may proceed with development, as long as it meets the other requirements in this zoning bylaw and other applicable bylaws.
- If you need a development permit, fill out a development permit application.
- You are responsible for finding out any other provincial or federal regulations applying to your development, as well as any other required local permits, including building permits [and plumbing permits, electrical permits, demolition permits, etc.].

ADOPTION PAGE (for Municipalities)

This is a sample adoption page designed for municipalities. Planning districts with a district-wide zoning bylaw should use the sample shown on the following page. For more information on adopting a zoning bylaw, see Part 3 of *The Introduction* (Component A).

THE [NAME OF MUNICIPALITY] BYLAW NO. [xx.xxx]

A bylaw of the [Name of Municipality] to regulate the use and development of land.

WHEREAS, Section 68 of *The Planning Act* requires a municipality to adopt a zoning bylaw that is generally consistent with the development plan bylaw in effect in the municipality;

AND WHEREAS, under Part 4 Division 1 of *The Planning Act*, the [Name of Municipality or Planning District] has, by bylaw, adopted the [Name of Development Plan];

NOW THEREFORE, the Council of the [Name of Municipality] in meeting duly assembled, enacts as follows:

1. The Zoning Bylaw No. [xx.xxx] attached is hereby adopted
2. The Bylaw shall be known as the [Name of Bylaw]
3. Bylaws [xx.xxx] and [xx.xxx], as amended, are repealed
4. This Bylaw shall come into force on [this date]

DONE AND PASSED in Council duly assembled at the [Name of Municipality], Manitoba, this [Date] of [Month], [Year].

Signature of [Reeve / Mayor / Head of Council]

Signature of Chief Administrative Officer

READ A FIRST TIME this [Date] day of [Month], [Year].

READ A SECOND TIME this [Date] day of [Month], [Year].

READ A THIRD TIME this [Date] day of [Month], [Year].

ADOPTION PAGE (for Planning Districts with a District-Wide Zoning Bylaw)

This is a sample adoption page designed for planning districts with a district-wide zoning bylaw. Municipalities should use the sample on the preceding page. For more information, see Part 3 of *The Introduction*.

THE [NAME OF PLANNING DISTRICT] BYLAW NO. [xx.xxx]

A bylaw of the [Name of Planning District] to regulate the use and development of land.

WHEREAS, Section 69 of *The Planning Act* allows a planning district to adopt a zoning bylaw that applies to the entire district if the council of every municipality in the district passes a resolution in favour of a district-wide zoning bylaw.

AND WHEREAS, under Part 5 of *The Planning Act*, the [Names of all the Municipalities in the Planning District] have, by resolution, confirmed their support for a district-wide zoning bylaw;

NOW THEREFORE, the Board of the [Name of Planning District] in meeting duly assembled, enacts as follows:

1. The Zoning Bylaw No. [xx.xxx] attached is hereby adopted
2. The Bylaw shall be known as the [Name of Bylaw]
3. Bylaws [xx.xxx] and [xx.xxx], as amended, are repealed
4. This Bylaw shall come into force on [this date]

DONE AND PASSED by the Board duly assembled at the [Name of Planning District], this [Date] of [Month], [Year].

Signature(s)

READ A FIRST TIME this [Date] day of [Month], [Year].

READ A SECOND TIME this [Date] day of [Month], [Year].

READ A THIRD TIME this [Date] day of [Month], [Year].

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PART 1: Applicability and Scope

This section provides the standard legal content that provides the proper applicability and scope for the zoning bylaw. **Note:** Only include the name of the planning district in the case of a District-Wide Zoning Bylaw.

1.1 Title

This bylaw shall be known as the [Name of Municipality or Planning District] Zoning Bylaw.

1.2 Scope

This bylaw applies to all lands in the [Name of Municipality or Planning District] as indicated on Map 1 [of Schedule A] of this bylaw.

1.3 Application

This bylaw regulates:

a) the construction, erection, alteration, enlargement or placing of buildings and structures
b) the establishment, alteration, or enlargement of uses of land, buildings and structures
c) all other forms of development not included above

1.4 Use and Development of Land and Buildings Must Comply

Within the [Name of Municipality or Planning District], no land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this bylaw.

1.5 Restrictions in Other Bylaws or Federal and Provincial Laws

Whenever a provision of another bylaw or a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this bylaw, or imposes inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail.

1.6 Does Not Promote Nuisance

Nothing in this bylaw or in a development permit, approval of a conditional use, variance order or other approval issued under this bylaw shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

PART 2: General Regulations

This section provides the general rules and regulations that apply throughout the area (regardless of zone). Generally, provisions in this section cannot be varied because they are not site-specific.

For more information on general rules and regulations in a zoning bylaw, see Parts 1 and 2 of *The Introduction*.

The following regulations shall apply to all use and development of land and buildings in the [Municipality or Planning District (in the case of a district-wide zoning bylaw)], except where otherwise noted in this bylaw.

2.1 Regulation of Uses

No land, building or structure shall be used or occupied except for a use which:

a) Is listed in the Use Table [Table 1] as:
   i) A Permitted Principal Use
   ii) A Permitted Secondary Use
   iii) A Conditional Principal Use, subject to approval as such
   iv) A Conditional Secondary Use, subject to approval as such
b) Is an Accessory Use
c) Is a Temporary Use

2.2 Multiple Uses or Provisions

Where land, a building, or a structure is used for more than one purpose, all provisions of this bylaw relating to each use must be satisfied. Where more than one provision in this bylaw is applicable, the higher or more stringent requirement shall apply unless specified otherwise.

2.3 Secondary Uses and Structures

No secondary use or structure shall be established except those in compliance with the following regulations:

a) no secondary use or structure shall be established prior to the establishment of the principal use of land, building or structure to which it is secondary
b) the area of land or buildings used or occupied for secondary uses on a site shall not exceed the area of land or buildings respectively used or occupied by principal uses on the same site
c) no land, building, or structure shall be used or occupied for any secondary use after the use or uses to which it is secondary have been discontinued

2.4 Accessory Buildings and Structures

No accessory building or structure shall be constructed or erected, except those in compliance with the following regulations:

a) where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this bylaw applicable to the principal building or structure
b) where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this bylaw applicable to accessory buildings or structures
c) no accessory building or structure shall be constructed on any zoning site prior to the time of construction of the principal building to which it is accessory except where it is allowed by written agreement from the [Municipality or Planning District]

An accessory building or structure shall not be used as a dwelling, except where otherwise permitted in this bylaw.

2.5 Required Yards

a) **Required yards** shall be free of buildings, except accessory buildings, which must conform to the other requirements of this bylaw.
b) Open, unenclosed projections, whether vertical or horizontal, such as stairs, landings, porches, and unenclosed balconies, may extend into the required yards for not more than [50] per cent of the required yard depth, up to a maximum of [three] metres (10 feet), except for wheelchair ramps (or similar accessibility structures), which are not subject to the restrictions for required yards.

2.6 Temporary Buildings, Structures, or Uses

Temporary buildings, structures or uses may be allowed on a non-permanent basis subject to the issuance of a development permit under the following conditions:

a) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by council.
b) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than [12] months and may not be renewed for more than [two] successive periods at the same location.

2.7 Road Access

No permanent building may be constructed or placed on a parcel which does not have legal access to an improved public road.

2.8 Service Connections

Where a parcel is served by municipal piped sewer or water, no permanent principal building or dwelling shall be constructed or placed unless it is connected to such services.

2.9 Public Utilities

This bylaw shall be interpreted so as not to interfere with the construction, erection and location of a public utility's works, plant, pipes, cables, or equipment.

PART 3: Zones

This section divides the area into a number of zones. Note that the following zones are only suggested possible zones intended to incorporate the range of zones that are common in zoning bylaws in Manitoba. Planning authorities may consider adding zones as required to meet local needs.

3.1 Establishing Zones

Uses of land in the municipality are regulated in accordance with the following zones:

ZONES	ABBR.
Parks and Recreation	PR
Agriculture General	AG
Agriculture Limited	AL
Rural Residential	RR
General Development	GD
Residential	RS
Residential Mixed	RM
Commercial Neighbourhood	CN
Commercial Central	CC
Highway Corridor	HC
Industrial	M
Institutional	I

3.2 Zoning Boundaries

The zones established above [in Section 3.1] shall apply within the boundaries of the zones shown on the maps in [Schedule A] following these rules of interpretation:

a) boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall follow such lines

b) boundaries indicated as approximately following parcel limits as shown on a registered plan or by reference to the Dominion Government Survey shall follow such limits

3.3 Permitted and Conditional Uses

The permitted and conditional uses prescribed for parcels within each zone are those set out in the Use Table[s] [Table 1.1]. Permitted uses are indicated on this table with the letter [P]. Conditional uses are indicated on this table with the letter [C]. Where a use is not listed and is not similar to, or accessory to, a permitted or conditional principal use, or a permitted or conditional secondary use, the use is not allowed in the zone.

3.4 Bulk Regulations

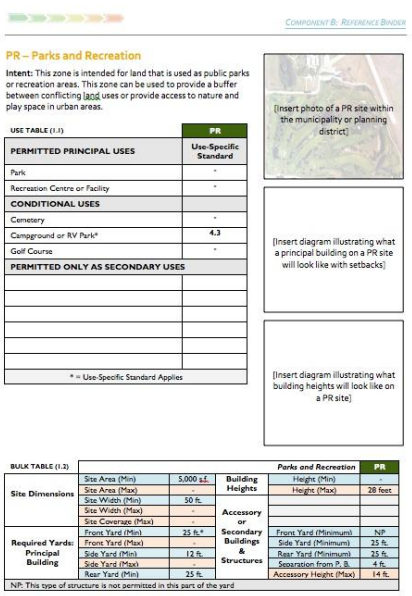
No land, building, or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with the **bulk** requirements described in the Bulk Regulations Table[s] [Table 1.2] or elsewhere in this bylaw.

A Note on the Use and Bulk Tables

The following pages contain use and bulk tables (which show the permitted and conditional uses, as well as bulk standards for required yards and building heights) for each of the sample zones listed in the previous section.

This Binder includes 2 ways these rules can be shown:

Style 1: Tables for Each Zone (p. 10-21)



COMPONENT B: REFERENCE BINDER

PR – Parks and Recreation

Intent: This zone is intended for land that is used as public parks or recreation areas. This zone can be used to provide a buffer between conflicting land uses or provide access to nature and play space in urban areas.

[Insert photo of a PR site within the municipality or planning district]

[Insert diagram illustrating what a principal building on a PR site will look like with setbacks]

[Insert diagram illustrating what building heights will look like on a PR site]

USE TABLE (1.1)

	PR
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
Park	-
Recreation Centre or Facility	-
CONDITIONAL USES	
Cemetery	-
Campground or RV Park*	4.3
Golf Course	-
PERMITTED ONLY AS SECONDARY USES	

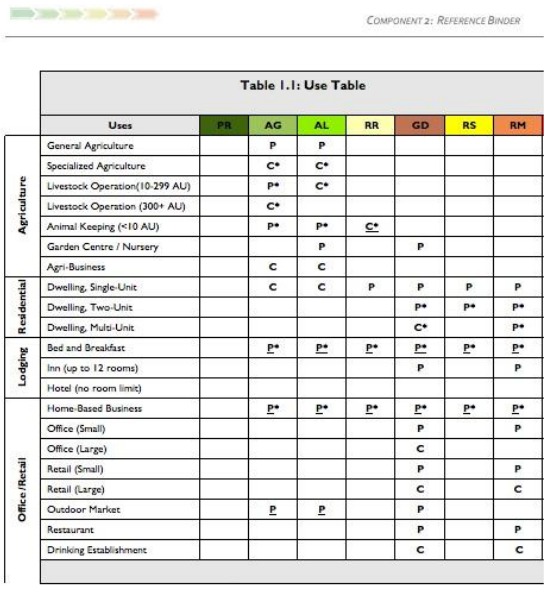
* = Use-Specific Standard Applies

BULK TABLE (1.2)

		Parks and Recreation			PR
Site Dimensions	Site Area (Min)	5,000 s.f.	**Building Heights**	Height (Min)	-
	Site Area (Max)	-		Height (Max)	28 feet
	Site Width (Min)	50 ft.	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	-			
	Site Coverage (Max)	-			
Required Yards: Principal Building	Front Yard (Min)	25 ft.*		Front Yard (Minimum)	NP
	Front Yard (Max)	-		Side Yard (Minimum)	25 ft.
	Side Yard (Min)	12 ft.		Rear Yard (Minimum)	25 ft.
	Side Yard (Max)	-		Separation from P. B.	4 ft.
	Rear Yard (Min)	25 ft.		Accessory Height (Max)	14 ft.

NP: This type of structure is not permitted in this part of the yard

Style 2: Combined Tables for all Zones (p. 22-25)



COMPONENT 2: REFERENCE BINDER

Table 1.1: Use Table

	Uses	PR	AG	AL	RR	GD	RS	RM
Agriculture	General Agriculture		P	P				
	Specialized Agriculture		C*	C*				
	Livestock Operation(10-299 AU)		P*	C*				
	Livestock Operation (300+ AU)		C*					
	Animal Keeping (<10 AU)		P*	P*	C*			
	Garden Centre / Nursery			P		P		
	Agri-Business		C	C				
Residential	Dwelling, Single-Unit		C	C	P	P	P	P
	Dwelling, Two-Unit					P*	P*	P*
	Dwelling, Multi-Unit					C*		P*
Lodging	Bed and Breakfast		P*	P*	P*	P*	P*	P*
	Inn (up to 12 rooms)					P		P
	Hotel (no room limit)							
Office/Retail	Home-Based Business		P*	P*	P*	P*	P*	P*
	Office (Small)					P		P
	Office (Large)					C		
	Retail (Small)					P		P
	Retail (Large)					C		C
	Outdoor Market		P	P		P		
	Restaurant					P		P
	Drinking Establishment					C		C

A municipality or planning district may choose the style that they prefer and adapt it to local needs.

Approach to Uses and Bulk Standards

This Binder includes only a basic set of use classes and bulk standards. Local planning authorities can add other use classes and bulk standards to meet the specific priorities and circumstances of the planning area (ex: a municipality may wish to include different minimum parcel sizes for different uses).

Additional uses, zones, and rules may be found in *The Plug-Ins* (Component C). This includes rules and standards for livestock operations, waste sites, hazard lands, riparian areas, off-street parking, signs and more.

Implementing Local Policies and Objectives

Zoning bylaws include regulations to implement the policies and objectives already approved in a development plan and any secondary plan. The uses and standards in the zoning bylaw must be consistent with, and informed by, the policies, objectives and guidelines in those plans.

For example, a development plan has to have specific policies for agriculture areas regarding livestock operations, specialized agriculture, residential subdivision, agro-commercial uses and other non-farm development. The rules in an agriculture general (AG) and an agriculture limited (AL) zone, and the use specific standards in the zoning bylaw must be consistent with the agricultural policies in the development plan.

PR – Parks and Recreation

Intent: This zone is intended for land that is used as public parks or recreation areas. This zone can be used to provide a buffer between potentially incompatible land uses or provide access to nature and play spaces in urban areas.

[Insert diagram illustrating what a principal building on a PR site will look like with setbacks]

[Insert diagram illustrating what building heights will look like on a PR site]

USE TABLE (1.1)	PR
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
Park	-
Recreation Centre or Facility	-
CONDITIONAL USES	
Cemetery	-
Campground or RV Park*	4.3
Golf Course	-
PERMITTED ONLY AS SECONDARY USES	
* = Use-Specific Standard Applies	

BULK TABLE (1.2)				*Parks and Recreation*	PR
Site Dimensions	Site Area (Min)	-	**Building Heights**	Height (Min)	-
	Site Area (Max)	-		Height (Max)	28 feet
	Site Width (Min)	-	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	-			
	Site Coverage (Max)	-			
Required Yards: Principal Building	Front Yard (Min)	25 ft.*		Front Yard (Minimum)	NP
	Front Yard (Max)	-		Side Yard (Minimum)	25 ft.
	Side Yard (Min)	12 ft.		Rear Yard (Minimum)	25 ft.
	Side Yard (Max)	-		Separation from P. B.	4 ft.
	Rear Yard (Min)	25 ft.		Accessory Height (Max)	14 ft.
NP: Accessory / secondary structures are not permitted in this part of the yard					

AG – Agriculture General

Intent: This zone is intended for agricultural purposes and protects farm land from encroachment by new non-agricultural development, which might interfere with agricultural production and increase the potential for land use conflicts. Compatible secondary uses are encouraged, provided the primary use of the land is agriculture. [See the Zoning for Agriculture section in *The Plug-Ins* for more information on this topic.]

[Insert diagram illustrating what a principal building on an AG site will look like with setbacks]

[Insert diagram illustrating what building heights will look like on an AG site]

USE TABLE (1.1)	AG
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
General Agriculture	-
Animal Keeping (less than 10 A.U.)*	**4.1**
Livestock Operation (10 to 299 AU)*	[See Plug-In]
CONDITIONAL USES	
Livestock Operation (300 or more AU)*	[See Plug-In]
Dwelling, Single-Unit	-
Agri-Business	-
Mining and Extraction	[See Plug-In]
Public Works Facility	-
PERMITTED ONLY AS SECONDARY USES	
Bed & Breakfast*	**4.2**
Home-Based Business*	**4.6**
Outdoor Market	-
Childcare Facility	-
Home Industry	[See Plug-In]
CONDITIONAL SECONDARY USES	
Auto Wrecking and Salvage	-
* = Use-Specific Standard Applies	

BULK TABLE (1.2)			*Agriculture General*	AG
General Agriculture & Livestock Operations	Site Area (Min)	80 acres	**Building Heights**	Height (Min)	-
	Site Width (Min)	660 ft.		Height (Max)	-
Other Uses	Site Area (Min)	2 acres	**Accessory or Secondary Buildings & Structures**		
	Site Width (Min)	200 ft.			
Coverage	Site Coverage (Max)	-			
Required Yards: Principal Building	Front Yard (Min)	125 ft.		Front Yard (Min)	NP
	Front Yard (Max)	-		Side Yard (Min)	15 ft.
	Side Yard (Min)	25 ft.		Rear Yard (Min)	15 ft.
	Side Yard (Max)	-		Separation from PB	10 ft.
	Rear Yard (Min)	25 ft.		Height (Max)	-
NP: Accessory / secondary structures are not permitted in this part of the yard					

AL – Agriculture Limited

Intent: This zone is intended to provide for agricultural uses similar to those allowed in the agriculture general zone. However, due to the proximity to residences or other designated areas, there are restrictions placed on uses like livestock operations. [See the Zoning for Agriculture section in *The Plug-Ins* for more information on this topic.]

[Insert diagram illustrating what a principal building on an AL site will look like with setbacks]

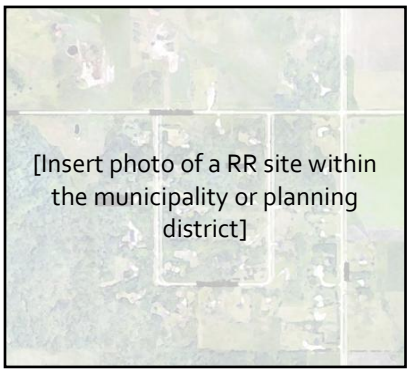
[Insert diagram illustrating what building heights will look like on an AL site]

USE TABLE (1.1)	AL
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
General Agriculture	-
Animal Keeping (less than 10 A.U.)*	**4.1**
CONDITIONAL USES	
Livestock Operation ([10] to [299] AU)*	[See Plug-In]
Dwelling, Single-Unit	-
Agri-Business	-
Public Works Facility	-
PERMITTED ONLY AS SECONDARY USES	
Bed & Breakfast*	**4.2**
Home-Based Business*	**4.6**
Outdoor Market	-
Childcare Facility	-
Home Industry	[See Plug-In]
CONDITIONAL SECONDARY USES	
Auto Wrecking and Salvage	-
* = Use-Specific Standard Applies	

BULK TABLE (1.2)				*Agriculture Limited*	AL
General Agriculture & Livestock Operations	Site Area (Min)	80 acres	**Building Heights**	Height (Min)	-
	Site Width (Min)	660 ft.		Height (Max)	-
Other Uses	Site Area (Min)	2 acres	**Accessory or Secondary Buildings & Structures**		
	Site Width (Min)	200 ft.			
Coverage	Site Coverage (Max)	-			
Required Yards: Principal Building	Front Yard (Min)	125 ft.		Front Yard (Min)	NP
	Front Yard (Max)	-		Side Yard (Min)	15 ft.
	Side Yard (Min)	25 ft.		Rear Yard (Min)	15 ft.
	Side Yard (Max)	-		Separation from PB	10 ft.
	Rear Yard (Min)	25 ft.		Height (Max)	-
NP: Accessory / secondary structures are not permitted in this part of the yard					

RR – Rural Residential

Intent: This zone is intended for rural residential and cottage developments located outside of urban centres. Rural residential development will be located and designed to preserve the natural or agrarian character of the area. Lot sizes may be larger than those found in urban centres, but not so large as to be wasteful of land. These lots generally rely on onsite water and wastewater infrastructure [Reg 2.3.1].



USE TABLE (1.1)	RR
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
Dwelling, Single-Unit	-
Park	-
PERMITTED ONLY AS SECONDARY USES	
Home-Based Business*	**4.2**
Childcare Facility	**4.6**
CONDITIONAL SECONDARY USES	
Animal Keeping (less than 10 A.U.)*	**4.1**
Home Industry*	[See Plug-In]
* = Use-Specific Standard Applies	

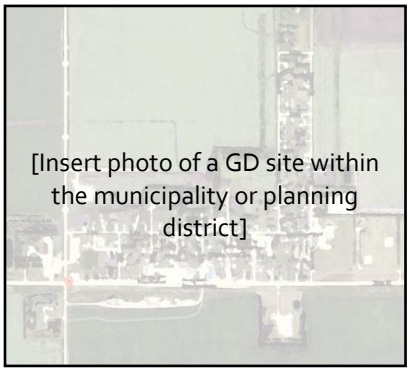
[Insert diagram illustrating what a principal building on a RR site will look like with setbacks]

[Insert diagram illustrating what building heights will look like on a RR site]

BULK TABLE (1.2)				*Rural Residential*	RR
Site Dimensions	Site Area (Min)	2 acres	**Building Heights**	Height (Min)	-
	Site Area (Max)	-		Height (Max)	28 ft.
	Site Width (Min)	200 ft.	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	-			
	Site Coverage (Max)	50 %			
Required Yards: Principal Building	Front Yard (Min)	100 ft.		Front Yard (Min)	NP
	Front Yard (Max)	-		Side Yard (Min)	3 ft.
	Side Yard (Min)	25 ft.		Rear Yard (Min)	2 ft.
	Side Yard (Max)	-		Separation from PB	10 ft.
	Rear Yard (Min)	25 ft.		Accessory Height (Max)	14 ft.
NP: Accessory / secondary structures are not permitted in this part of the yard					

GD – General Development

Intent: This zone is intended to provide for a wide range of residential, commercial, and industrial uses within smaller settlement centres.



USE TABLE (1.1)	GD
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
Dwelling, Single-Unit	-
Dwelling, Two-Unit*	**4.4**
Inn (up to 12 rooms)	-
Garden Centre / Nursery	-
Office (Small)	-
Retail (Small)	-
Outdoor Market	-
Restaurant	-
Park	-
Funeral Home	-
Fire or Police Station	-
Library or Cultural Facility	-
Place of Worship	-
Childcare Facility	-
Rec. Centre / Facility	-
School	-
Public Works Facility	-
CONDITIONAL USES	
Dwelling, Multi-Unit*	**4.5**
Drinking Establishment	-
Cemetery	-
Automotive Sales / Service	-
Industrial (Light)	-
Fuel Sales	-
Crematorium	-
PERMITTED ONLY AS SECONDARY USES	
Bed and Breakfast*	**4.2**
Home-Based Business*	**4.6**
* = Use-Specific Standard Applies	

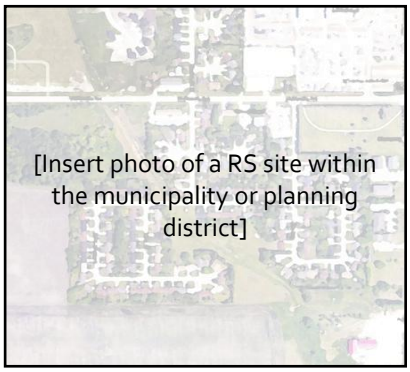
[Insert diagram illustrating what a principal building on a GD site will look like with setbacks]

[Insert diagram illustrating what building heights will look like on a GD site]

BULK TABLE (1.2)				*General Development*	GD
Site Dimensions	Site Area (Min)	5,000 s.f	**Building Heights**	Height (Min)	-
	Site Area (Max)	-		Height (Max)	28 ft.
	Site Width (Min)	50 ft.	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	-			
	Site Coverage (Max)	-			
Required Yards: Principal Building	Front Yard (Min)	6 ft.		Front Yard (Min)	NP
	Front Yard (Max)	-		Side Yard (Min)	3 ft.
	Side Yard (Min)	6 ft.		Rear Yard (Min)	2 ft.
	Side Yard (Max)	-		Separation from PB	6 ft.
	Rear Yard (Min)	6 ft.		Accessory Height (Max)	14 ft.
NP: Accessory / secondary structures are not permitted in this part of the yard					

RS – Residential

Intent: This zone is intended for mostly single-unit and two-unit residential dwellings within settlement areas. This zone provides for a variety of housing types and affordability levels to accommodate a range of income levels, the ability to age in place and diverse market demands [Reg 2.1.2, 2.1.3, 2.2.1].



[Insert diagram illustrating what a principal building on a RS site will look like with setbacks]

[Insert diagram illustrating what building heights will look like on a RS site]

USE TABLE (1.1)	RS
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
Dwelling, Single-Unit	-
Dwelling, Two-Unit*	**4.4**
Recreation Centre or Facility	-
Park	-
CONDITIONAL USES	
Place of Worship	-
School	-
Childcare Facility	-
Library or Cultural Facility	-
Fire or Police Station	-
PERMITTED ONLY AS SECONDARY USES	
Bed and Breakfast*	**4.2**
Home-Based Business*	**4.6**
* = Use-Specific Standard Applies	

BULK TABLE (1.2)				*Residential*	RS
Site Dimensions	Site Area (Min)	5,000 s.f.	**Building Heights**	Height (Min)	-
	Site Area (Max)	15,000 s.f.		Height (Max)	28 ft.
	Site Width (Min)	50 ft.	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	100 ft.			
	Site Coverage (Max)	60%			
Required Yards: Principal Building	Front Yard (Min)	25 ft.*		Front Yard (Min)	NP
	Front Yard (Max)	-		Side Yard (Min)	3 ft.
	Side Yard (Min)	12 ft.		Rear Yard (Min)	2 ft.
	Side Yard (Max)	-		Separation from PB	6 ft.
	Rear Yard (Min)	12 ft.		Front Yard (Min)	14 ft.
NP: Accessory / secondary structures are not permitted in this part of the yard					

RM – Residential Mixed

Intent: This zone is intended for a more populated, mostly residential area. There may be some mixed-use development and corner store commercial use. The zone covers the range of uses, required yards, and building heights found in the area's mature neighbourhoods that are adjacent to commercial streets and downtown areas [Reg 2.1.4, 2.2.3].

[Insert diagram illustrating what a principal building on a RM site will look like with setbacks]

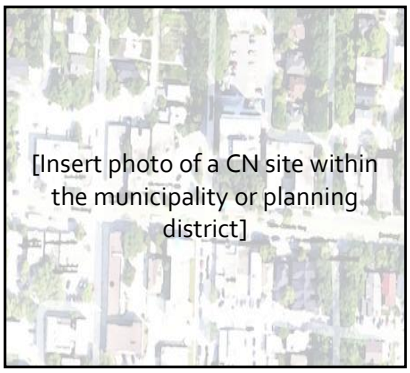
[Insert diagram illustrating what building heights will look like on a RM site]

USE TABLE (1.1)	RM
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
Dwelling, Single-Unit	-
Dwelling, Two-Unit*	**4.4**
Dwelling, Multi-Unit*	**4.5**
Inn (up to 12 rooms)	-
School	-
Office (Small)	-
Retail (Small)	-
Childcare Facility	-
Restaurant	-
Funeral Home	-
Fire or Police Station	-
Library or Cultural Facility	-
Place of Worship	-
CONDITIONAL USES	
Recreation Centre or Facility	-
Park	-
Cemetery	-
Drinking Establishment	-
PERMITTED ONLY AS SECONDARY USES	
Bed and Breakfast*	**4.2**
Home-Based Business*	**4.6**
* = Use-Specific Standard Applies	

BULK TABLE (1.2)				*Residential Mixed*	RM
Site Dimensions	Site Area (Min)	2,500 s.f	**Building Heights**	Height (Min)	-
	Site Area (Max)	20,000 s.f.		Height (Max)	42 ft.
	Site Width (Min)	25 ft.	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	100 ft.			
	Site Coverage (Max)	70%			
Required Yards: Principal Building	Front Yard (Min)	6 ft.*		Front Yard (Min)	NP
	Front Yard (Max)	18 ft.		Side Yard (Min)	0 ft.
	Side Yard (Min)	6 ft.		Rear Yard (Min)	0 ft.
	Side Yard (Max)	-		Separation from PB	6 ft.
	Rear Yard (Min)	3 ft.		Accessory Height (Max)	14 ft.
NP: Accessory / secondary structures are not permitted in this part of the yard					

CN – Commercial Neighbourhood

Intent: This zone is intended for street-level commercial activity along main streets, along with an appropriate mix of multi-unit housing and other compatible uses. The buildings in this zone are sited to encourage pedestrian activity with shallow setbacks from the street. The zone supports the rehabilitation and re-use of existing buildings, along with the preservation of heritage resources and significant structures [Reg 2.2.3].



[Insert diagram illustrating what a principal building on a CN site will look like with setbacks]

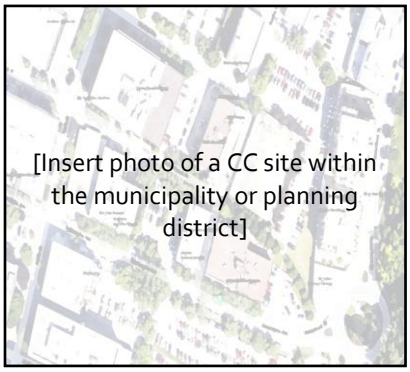
[Insert diagram illustrating what building heights will look like on a CN site]

USE TABLE (1.1)	CN
PERMITTED PRINCIPAL USES	**Use-Specific**
Dwelling, Multi-Unit*	**4.5**
Inn (up to 12 rooms)	-
Hotel (no room limit)	-
Office (Small)	-
Retail (Small)	-
Restaurant	-
Recreation Centre / Facility	-
Funeral Home	-
School	-
Fire or Police Station	-
Library or Cultural Facility	-
Place of Worship	-
Childcare Facility	-
CONDITIONAL USES	
Office (Large)	-
Retail (Large)	
Drinking Establishment	-
Drive-Through Facility	-
Fuel Sales	-
Park	-
Hospital	-
Outdoor Market	-
PERMITTED ONLY AS SECONDARY USES	
Home-Based Business*	**4.6**
* = Use-Specific Standard Applies	

BULK TABLE (1.2)			*Commercial Neighbourhood*		CN
Site Dimensions	Site Area (Min)	2,500 s.f.	**Building Heights**	Height (Min)	28 ft.
	Site Area (Max)	40,000 s.f.		Height (Max)	56 ft.
	Site Width (Min)	25 ft.	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	180 ft.			
	Site Coverage (Max)	90%			
Required Yards: Principal Building	Front Yard (Min)	0 ft.		Front Yard (Min)	NP
	Front Yard (Max)	6 ft.		Side Yard (Min)	0 ft.
	Side Yard (Min)	0 ft.		Rear Yard (Min)	0 ft.
	Side Yard (Max)	25 ft.		Separation from PB	4 ft.
	Rear Yard (Min)	3 ft.		Accessory Height (Max)	28 ft.
NP: Accessory / secondary structures are not permitted in this part of the yard					

CC – Commercial Central

Intent: This zone is intended for commercial facilities, offices, and large-scale indoor recreational facilities, which serve the whole community. The development standards in this zone provide support for buildings that form a continuous street wall around significant multi-modal thoroughfares [Reg 2.2.3].



[Insert diagram illustrating what a principal building on a CC site will look like with setbacks]

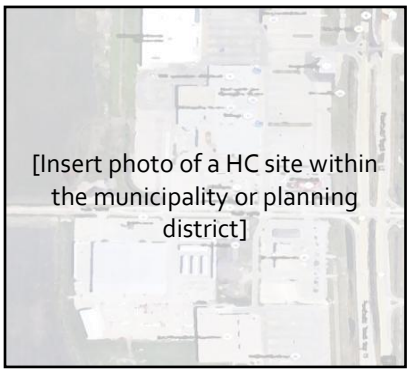
[Insert diagram illustrating what building heights will look like on a CC site]

USE TABLE (1.1)	CC
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
Dwelling, Multi-Unit*	**4.5**
Hotel (no room limit)	-
Office (Small)	-
Retail (Small)	-
Restaurant	-
Drinking Establishment	-
Funeral Home	-
Fire or Police Station	-
Library or Cultural Facility	-
Place of Worship	-
Childcare Facility	-
School	-
Recreation Centre / Facility	-
CONDITIONAL USES	
Office (Large)	-
Retail (Large)	-
Outdoor Market	-
Drive-Through Facility	-
Fuel Sales	-
Hospital	-
College or Trade School	-
Industrial (Light)	-
PERMITTED ONLY AS SECONDARY USES	
Home-Based Business*	**4.6**
* = Use-Specific Standard Applies	

BULK TABLE (1.2)				*Commercial Central*	CC
Site Dimensions	Site Area (Min)	5,000 s.f.	**Building Heights**	Height (Min)	28 ft.
	Site Area (Max)	25,000 s.f.		Height (Max)	-
	Site Width (Min)	50 ft.	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	100 ft.			
	Site Coverage (Max)	90%			
Required Yards: Principal Building	Front Yard (Min)	0 ft.		Front Yard (Min)	NP
	Front Yard (Max)	0 ft.		Side Yard (Min)	NP
	Side Yard (Min)	0 ft.		Rear Yard (Min)	NP
	Side Yard (Max)	25 ft.		Separation from PB	NP
	Rear Yard (Min)	0 ft.		Accessory Height (Max)	NP
NP: Accessory / secondary structures are not permitted in this part of the yard					

HC – Highway Corridor

Intent: This zone is intended for light industrial and commercial facilities located outside of a downtown area that are designed to serve the travelling public or a distinct neighbourhood clustered along collector or arterial streets. [Reg 2.2.4]



[Insert diagram illustrating what a principal building on a HC site will look like with setbacks]

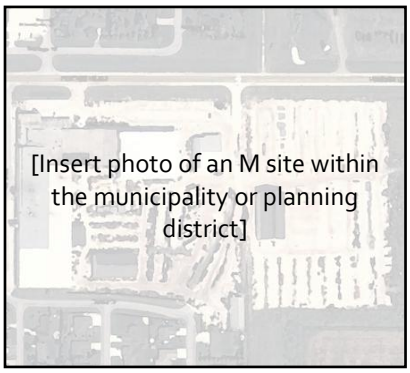
[Insert diagram illustrating what building heights will look like on a HC site]

USE TABLE (1.1)	HC
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
Hotel (no room limit)	-
Drinking Establishment	-
Automotive Sales / Service	-
Retail (Large)	-
Drive-Through Facility	-
Fuel Sales	-
Industrial (Light)	-
Garden Centre / Nursery	-
Public Works Facility	-
CONDITIONAL USES	
Agri-Business	-
Crematorium	-
PERMITTED ONLY AS SECONDARY USES	
Office (Small)	-
Office (Large)	-
* = Use-Specific Standard Applies	

BULK TABLE (1.2)				*Highway Corridor*	HC
Site Dimensions	Site Area (Min)	15,000 s.f.	**Building Heights**	Height (Min)	-
	Site Area (Max)	100,000 s.f.		Height (Max)	42 ft.
	Site Width (Min)	75 ft.	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	-			
	Site Coverage (Max)	-			
Required Yards: Principal Building	Front Yard (Min)	125 ft.		Front Yard (Min)	NP
	Front Yard (Max)	-		Side Yard (Min)	15 ft.
	Side Yard (Min)	20 ft.		Rear Yard (Min)	15 ft.
	Side Yard (Max)	-		Separation from PB	6 ft.
	Rear Yard (Min)	15 ft.		Accessory Height (Max)	42 ft.
NP: Accessory / secondary structures are not permitted in this part of the yard					

M – Industrial

Intent: This zone is intended to accommodate all kinds of industrial uses (with associated shipping traffic). This zone includes developments that may pose dangers to health and safety or that may be offensive and disturbing to other properties and is located so that industries can operate or expand safely without negatively affecting other development [Reg 1.1.3].



[Insert diagram illustrating what a principal building on an M site will look like with setbacks]

[Insert diagram illustrating what building heights will look like on an M site]

USE TABLE (1.1)

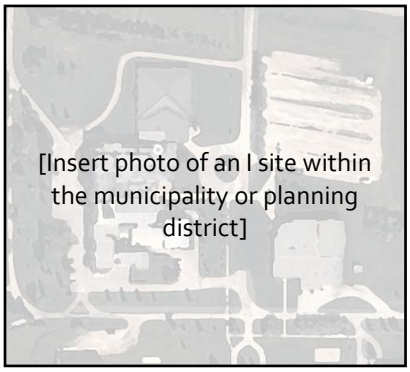
PERMITTED PRINCIPAL USES	M Use-Specific Standard
Industrial (Light)	-
Industrial (Heavy)	-
Public Works Facility	-
CONDITIONAL USES	
Agri-Business	-
Auto Wrecking and Salvage Yard	-
Crematorium	-
PERMITTED ONLY AS SECONDARY USES	
Office (Small)	-
Office (Large)	-
* = Use-Specific Standard Applies	

BULK TABLE (1.2)

					Industrial M
Site Dimensions	Site Area (Min)	7,500 s.f.	**Building Heights**	Height (Min)	-
	Site Area (Max)	-		Height (Max)	42 ft.
	Site Width (Min)	-	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	-			
	Site Coverage (Max)	-			
Required Yards: Principal Building	Front Yard (Min)	20 ft.		Front Yard (Min)	NP
	Front Yard (Max)	-		Side Yard (Min)	15 ft.
	Side Yard (Min)	30 ft.		Rear Yard (Min)	15 ft.
	Side Yard (Max)	-		Separation from PB	6 ft.
	Rear Yard (Min)	25 ft.		Accessory Height (Max)	-
NP: Accessory / secondary structures are not permitted in this part of the yard					

I – Institutional

Intent: This zone is intended for facilities, services and resources that are accessible to the public. This includes civic buildings and educational uses [Reg 1.4.2].



[Insert diagram illustrating what a principal building on an I site will look like with setbacks]

[Insert diagram illustrating what building heights will look like on an I site]

USE TABLE (1.1)	I
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
School	-
College or Trade School	-
Childcare Facility	-
Park	-
Cemetery	-
Hospital	-
Recreation Centre or Facility	-
Fire or Police Station	-
Library or Cultural Facility	-
Place of Worship	-
Office (Small)	-
Office (Large)	-
PERMITTED ONLY AS SECONDARY USES	
Dwelling, Multi-Unit*	**4.5**
Retail (Small)	-
* = Use-Specific Standard Applies	

BULK TABLE (1.2)				***Institutional***	**I**
Site Dimensions	Site Area (Min)	10,000 sq ft	**Building Heights**	Height (Min)	-
	Site Area (Max)	-		Height (Max)	42 ft.
	Site Width (Min)	100 ft.	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	-			
	Site Coverage (Max)	60%			
Required Yards: Principal Building	Front Yard (Min)	25 ft.		Front Yard (Min)	NP
	Front Yard (Max)	-		Side Yard (Min)	3 ft.
	Side Yard (Min)	12 ft.		Rear Yard (Min)	2 ft.
	Side Yard (Max)	-		Separation from PB	6 ft.
	Rear Yard (Min)	25 ft.		Accessory Height (Max)	14 ft.
NP: Accessory / secondary structures are not permitted in this part of the yard					

Table 1.1: Use Table

Note: *The values in this table are an example only. They should be determined based on local circumstances.*

	Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I	*USS**
Agriculture	General Agriculture		**P**	**P**										
	Livestock Operation(10-299 AU)		**P***	**C***										**Plug-In**
	Livestock Operation (300+ AU)		**C***											**Plug-In**
	Animal Keeping (<10 AU)		**P***	**P***	**C***									4.1
	Garden Centre / Nursery			**P**		**P**			**P**		**P**			
	Agri-Business		**C**	**C**							**C**	**C**		
Residential	Dwelling, Single-Unit		**C**	**C**	**P**	**P**	**P**	**P**						
	Dwelling, Two-Unit					**P***	**P***	**P***						4.4
	Dwelling, Multi-Unit					**C***		**P***	**P***	**P***			**P***	4.5
Lodging	Bed and Breakfast		**P***	**P***	**P***	**P***	**P***	**P***						4.2
	Inn (up to 12 rooms)					**P**		**P**	**P**	**P**	**P**			
	Hotel (no room limit)								**P**	**P**	**P**			
Office	Home-Based Business		**P***	**P***	**P***	**P***	**P***	**P***	**P***	**P***				4.6
	Office (Small)					**P**		**P**	**P**	**P**	**P**	**P**	**P**	
	Office (Large)					**C**			**C**	**C**	**P**	**P**	**P**	
Retail	Retail (Small)					**P**		**P**	**P**	**P**			**P**	
	Retail (Large)					**C**		**C**	**C**	**C**	**P**			
	Outdoor Market		**P**	**P**		**P**			**C**	**C**				
	Restaurant					**P**		**P**	**P**	**P**				
	Drinking Establishment					**C**		**C**	**C**	**P**	**P**			
	Drive-Through Facility								**C**	**C**	**P**			
	P = Permitted | C = Conditional | Underline = only as a secondary use | * = Use-Specific Standard Applies													

	Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I	USS*
	Fuel Sales					C			C	C	P			
	Automotive Sales/Service					C					P			
Civic	Park	P			P	P	P	C	C				P	
	Cemetery	C				C							P	
	Funeral Home					P		P	P	P				
	Crematorium					C					C	C		
	Hospital								C	C			P	
	Fire or Police Station					P	C	P	P	P			P	
	Library / Cultural Facility					P	C	P	P	P			P	
	Place of Worship					P	C	P	P	P			P	
	Rec. Centre or Facility	P				P	P	P	P	P			P	
	Campground or RV Park	C												4.3
	Golf Course	C												
	Public Works Facility		C	C		P					P	P		
Education	Childcare Facility		P	P	P	P	C	P	P	P			P	
	School					P	C	P	P	P			P	
	College or Trade School									C			P	
Industrial	Industrial (Light)					C			C	C	P	P		
	Industrial (Heavy)											P		
	Home Industry		P*	P*	C*									Plug-In
	Mining and Extraction		C*											Plug-In
	Auto Salvage Yard		C	C								C		
	P = Permitted | C = Conditional | Underline = only as a secondary use | * = Use-Specific Standard Applies													

Table 1.2: Bulk Regulations Table (Metric)

Note: *The values in this table are an example only. They should be determined based on local circumstances.*

		PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Site Dimensions	Site Area (Minimum)	-	32 ha (a)	32 ha (a)	0.8 ha	460 m2	460 m2	230 m2	230 m2	460 m2	1390 m2	695 m2	930 m2
	Site Area (Maximum)	-	-	-	-	-	1393 m2	1850 m2	3700 m2	2320 m2	9290 m2	-	-
	Site Width (Minimum)	-	200 m	200 m	60 m	15 m	15 m	7.5 m	7.5 m	15 m	22 m	-	30 m
	Site Width (Maximum)	-	-	-	-	-	30 m	30 m	55 m	30 m	-	-	-
	Site Coverage (Maximum)	-	-	-	50%	-	60%	70%	90%	90%	70%	70%	60%
Required Yards	Front Yard (Minimum)	7.5 m*	38 m	38 m	30 m	2 m*	7.5 m*	2 m*	0 m	0 m	38 m*	6 m*	7.5 m*
	Front Yard (Maximum)	-	-	-	-	-	-	5.5 m	2 m	0 m	-	-	-
	Side Yard (Minimum)	3.5 m	7.5 m	7.5 m	7.5 m	2 m	3.5 m	2 m	0 m	0 m	6 m	6 m	3.5 m
	Side Yard (Maximum)	-	-	-	-	-	-	-	7.5 m	7.5 m	-	-	-
	Rear Yard (Minimum)	7.5 m	7.5 m	7.5 m	7.5 m	2 m	3.5 m	1 m	1 m	1 m	4.5 m	7.5 m	7.5 m
Height	Principal Building Height (Minimum)	-	-	-	-	-	-	-	2 storey (8.5 m)	2 storey (8.5 m)	-	-	-
	Principal Building Height (Maximum)	2 storey (8.5 m)	-	-	2 storey (8.5 m)	2 storey (8.5 m)	2 storey (8.5 m)	3 storey (13 m)	4 storey (17 m)	-	3 storey (13 m)	3 storey (13 m)	3 storey (13 m)
Accessory / Secondary Structures	Front Yard (Minimum)	NP	7.5 m	7.5 m	NP	NP	NP	NP	NP	NP	NP	NP	NP
	Side Yard (Minimum)	7.5 m	4.5 m	4.5 m	1 m	1 m	1 m	0 m	0 m	NP	4.5 m	4.5 m	1 m
	Rear Yard (Minimum)	7.5 m	4.5 m	4.5 m	1 m	1 m	1 m	0 m	0 m	NP	4.5 m	4.5 m	1 m
	Separation from Principal Building (Minimum)	1 m	3 m	3 m	3 m	3 m	2 m	2 m	1 m	NP	2 m	2 m	2 m
	Height (Maximum)	1 storey (4.25 m)	-	-	1 storey (4.25 m)	1 storey (4.25 m)	1 storey (4.25 m)	2 storey (8.5 m)	2 storey (8.5 m)	NP	3 storey (13 m)	-	1 storey (4.25 m)

(a) For General Agriculture and Livestock Operations only. [0.8] hectare minimum site area and [60] m site width minimum for all other uses.

*For corner lots, one required yard adjacent to a street can be [50 per cent] less than the required minimum.

NP: Accessory / secondary structures are not permitted in this part of the yard

Table 1.2: Bulk Regulations Table (Imperial)

Note: *The values in this table are an example only. They should be determined based on local circumstances.*

		PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Site Dimensions	Site Area (Minimum)	-	80 acres (a)	80 acres (a)	2 acres	5,000 sq. ft.	5,000 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	5,000 s.f.	15,000 sq. ft.	7,500 sq. ft.	10,000 sq. ft.
	Site Area (Maximum)	-	-	-	-	-	15,000 sq. ft.	20,000 sq. ft.	40,000 sq. ft.	25,000 s.f.	100,000 sq. ft.	-	-
	Site Width (Minimum)	-	660 ft.	660 ft.	200 ft.	50 ft.	50 ft.	25 ft.	25 ft.	50 ft.	75 ft.	-	100 ft.
	Site Width (Maximum)	-	-	-	-	-	100 ft.	100 ft.	180 ft.	100 ft.	-	-	-
	Site Coverage (Maximum)	-	-	-	50%	-	60%	70%	90%	90%	70%	70%	60%
Required Yards	Front Yard (Minimum)	25 ft.*	125 ft.	125 ft.	100 ft.	6 ft.*	25 ft.*	6 ft.*	0 ft.	0 ft.	125 ft.	20 ft.	25 ft.
	Front Yard (Maximum)	-	-	-	-	-	-	18 ft.	6 ft.	0 ft.	-	-	-
	Side Yard (Minimum)	12 ft.	25 ft.	25 ft.	25 ft.	6 ft.	12 ft.	6 ft.	0 ft.	0 ft.	20 ft.	30 ft.	12 ft.
	Side Yard (Maximum)	-	-	-	-	-	-	-	25 ft.	25 ft.	-	-	-
	Rear Yard (Minimum)	25 ft.	25 ft.	25 ft.	25 ft.	6 ft.	12 ft.	3 ft.	3 ft.	0 ft.	15 ft.	25 ft.	25 ft.
Height	Principal Building Height (Minimum)	-	-	-	-	-	-	-	2 storey (28 feet)	2 storey (28 feet)	-	-	-
	Principal Building Height (Maximum)	2 storey (28 feet)	-	-	2 storey (28 feet)	2 storey (28 feet)	2 storey (28 feet)	3 storey (42 feet)	4 storey (56 feet)	-	3 storey (42 feet)	3 storey (42 feet)	3 storey (42 feet)
Accessory / Secondary Structures	Front Yard (Minimum)	NP	25 ft.	25 ft.	NP	NP	NP	NP	NP	NP	NP	NP	NP
	Side Yard (Minimum)	25 ft.	15 ft.	15 ft.	3 ft.	3 ft.	3 ft.	0 ft.	0 ft.	NP	15 ft.	15 ft.	3 ft.
	Rear Yard (Minimum)	25 ft.	15 ft.	15 ft.	2 ft.	2 ft.	2 ft.	0 ft.	0 ft.	NP	15 ft.	15 ft.	2 ft.
	Separation from Principal Building (Minimum)	4 ft.	10 ft.	10 ft.	10 ft.	6 ft.	6 ft.	6 ft.	4 ft.	NP	6 ft.	6 ft.	6 ft.
	Height (Maximum)	1 storey (14 feet)	-	-	1 storey (14 feet)	1 storey (14 feet)	1 storey (14 feet)	2 storey (28 feet)	2 storey (28 feet)	NP	3 storey (42 feet)	-	1 storey (14 feet)

(a) For General Agriculture and Livestock Operations only. [two] acre minimum site area and [200] ft site width minimum for all other uses.

*For corner lots, one required yard adjacent to a street can be [50 per cent] less than the required minimum.

NP: Accessory / secondary structures are not permitted in this part of the yard

PART 4: Use-Specific Standards

This section provides regulations for specific uses that have standards that go beyond the basic requirements for development in each zone. Uses with use-specific standards are indicated with a * symbol in the Use Table in the previous section. Additional use-specific standards are included in *The Plug-Ins* component of this Guide. More information can be found in the section for use-specific standards in Part 2 of *The Introduction*.

Regardless of whether a use is allowed as a permitted or a conditional use, and regardless of the zoning district in which the use is located, the following standards for specific uses must be met, except as otherwise provided in this bylaw or by a conditional use or variance order:

Animal Keeping

4.1 Standards for Animal Keeping

The following requirements must be met for all cases where livestock or other animals (excluding pets) are sheltered, bred, raised, or sold and where the amount of animals kept on one site do not meet or exceed 10 animal units (AU), cumulative across species (*see the Livestock Operations section in* The Plug-Ins *for a table that determines animal units*):

a) a maximum of one animal unit (cumulative across species) is permitted for every [8,094] meters^2 ([two] acres) of site area
b) the keeping of livestock must adhere to all other local, provincial and federal health and agriculture regulations in addition to the standards in this bylaw
c) any ground-level structure intended for the keeping of animals must maintain a minimum setback of [4.5] meters ([15] feet) from any site line
d) animal feed must be properly stored in enclosed vessels, and areas or enclosures intended for the keeping of animals must be properly cleaned and maintained to prevent odours from spreading onto abutting properties

Bed and Breakfast

4.2 Standards for Bed and Breakfasts

A bed and breakfast shall only be allowed on a site in a zone in which it is a permitted or conditional use if it meets all of the following requirements:

a) the operator must reside within the principal residence to which the Bed and Breakfast is an accessory use
b) no more than [eight] patrons shall be accommodated within one dwelling
c) no more than [five] bedrooms shall be used for the bed and breakfast operation
d) [one] additional on-site parking spot shall be provided for each bedroom that is used for the bed and breakfast operation
e) signs shall follow the regulations for home-based businesses in the zone in which the bed and breakfast is located

Campground or RV Park

4.3 Standards for Campgrounds or RV Parks

A campground or recreational vehicle (RV) park must meet the following standards:

a) more than one camp space or recreational vehicle (RV) may be permitted on a zoning site in a campground RV park
b) a campground or RV park must provide a roadway with an all-weather surface that serves all dwellings [with a driving surface a minimum of [four] meters ([13] feet) wide]
c) a campground or RV park must provide storage of refuse in a sanitary manner at a location not more than [150] meters (500 feet) from any dwelling
d) a campground or RV park must provide clear numbered identification of each camping space
e) a campground or RV park must provide a centrally located recreation area equivalent to a minimum area of [20] square meters (215 square feet) per camping space

Dwelling, Two-Unit

4.4 Standards for Two-Unit Dwellings

A two-unit dwelling shall have no required side yard (contrary to Table [1.2]) on a side that shares a **party wall** with a building on an adjacent site.

Dwelling, Multi-Unit

4.5 Standards for Multi-Unit Dwellings

A multi-unit dwelling shall:

a) only be located above the first storey of the building in the CC and HC zones
b) have no required side yard (contrary to Table [1.2]) on a side that shares a **party wall** with a building on an adjacent site

Home-Based Business

4.6 Standards for Home-Based Businesses

Home-based businesses must:

a) be conducted by a person or persons residing in the dwelling
b) not have more than [four] people employed or otherwise engaged in the business who do not reside in the dwelling
c) not have processing or outside storage of goods in the RS, RM, CN, and CC zones
d) not have more than [30 per cent] of the total floor area of buildings on the site devoted to the business
e) have a maximum of [one] business sign, either freestanding or affixed to the wall of a principal or accessory building, not exceeding:
    i) [40] square feet in the zones AG and RR
    ii) [10] square feet in all other zones where home-based businesses are allowed

5 PART 5: Administration

This section sets up a system of procedures for administering the zoning bylaw. The bylaw must include provisions that set out when development permits are required. It also must establish the role of a development officer, if required. *The Planning Act* now includes specific provisions for zoning bylaw enforcement. Therefore, it is not necessary to repeat parts of *The Planning Act* in this section. More information on zoning administration and enforcement can be found in Part 4 of *The Introduction*.

This bylaw shall be administered in accordance with the provisions of *The Planning Act* and this PART.

5.1 Administration and Enforcement

In the administration and enforcement of this bylaw, the [Municipality or Planning District] shall have all of the powers of inspection, remedy and enforcement provided under Part 12 of *The Planning Act.*

This is the part of the bylaw that sets out a system of development permits. Municipalities and planning districts should review these provisions to make sure they include types of development for which permits will be issued and exclude those items for development where they do not want to issue permits. See *The Introduction* for more information on development permits.

5.2 When Development Permits are Required

A development permit is required for any of the following, except as otherwise provided for in this bylaw:

a) the erection, construction, enlargement, structural alteration or placing of a building or structure, either permanent or temporary
b) the establishment of a use of land or a building or structure
c) the change of a use of land or a building or structure from the existing use to a use which is not a permitted use
d) the alteration or enlargement of an approved conditional use

5.3 Development Permits and Other Permits

The issuance of a development permit in respect of building or structure does not affect the obligation to obtain a building permit or other permit where required under the building bylaw, or another law, bylaw or regulation, for such a building or structure.

5.4 When Development Permits are Not Required

A development permit is not required for the following:

a) **incidental alterations**
b) agricultural cropping of land
c) the erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
    i) fences, below [four] feet in height

ii) signs, not including advertising signs where they are conditional uses
iii) outdoor Lighting
iv) flagpoles
v) sheds and buildings for the storage of domestic equipment and supplies with a floor area of less than [120] square feet
vi) garden houses or children's playhouses
vii) private sewage disposal systems
viii) private communications facilities
ix) unenclosed patios at grade level

d) Despite not requiring a development permit, all items in this provision shall be subject to requirements of this bylaw.

5.5 Applications for Development Permits

An application for a development permit:

a) shall be made by the owner or owners of the parcel in question, or by a person authorized in writing by them
b) shall be accompanied by plans drawn to scale showing the following:
   i) the shape and dimensions of the parcel to be used or built on
   ii) the location and dimensions of existing buildings and structures
   iii) the location and dimensions of any proposed building, structure, enlargement or alteration
   iv) the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use
   v) [vehicular access], [utility connections], [parking areas], [loading areas], or [signage] (where applicable)
c) shall be accompanied by the fee prescribed by [the Municipality or Planning District].

This is the part of the bylaw that establishes the development officer as the designated employee or officer (per s. 184 of *The Planning Act*). **Note:** Omit the following provisions in the case of a Planning District or if the designated officer position has been established in another bylaw of a municipality. See *The Introduction* for more information.

5.6 The Development Officer

The position of the [development officer] is hereby established. The person appointed as [development officer] by council shall be a designated officer for the purposes of *The Planning Act*.

5.7 Roles of the Development Officer

The Development Officer shall have the authority to:

a) issue development permits and exercise the powers of administration, inspection, remedy and enforcement provided in Part 12 of *The Planning Act*.
b) refuse to issue a development permit where:
   i) the development permit application, or any information accompanying the development permit application, is incorrect or incomplete

ii) the proposed building, structure or use does not, to the development officer's knowledge, comply with this zoning bylaw, the [Building Bylaw] or with any other law

c) revoke a development permit where the development permit was issued in error.

d) make a minor variance order, without the need for a public hearing, for any proposed change that varies:

i) any height, distance, area, size or intensity of use requirement in the zoning bylaw by no more than [10 per cent]

ii) the number of parking spaces required by the zoning bylaw by no more than [10 per cent]

Note: The above numbers for a minor variance may be less than 10 per cent but must not be more, according to *The Planning Act* [102(1)].

5.8 Application for Amendments, Variances and Conditional Uses

An application for a variance, or conditional use, or an amendment to this bylaw must be in the proper form and must be accompanied by the fee prescribed by the [Council or Planning District Board]. The application must also be accompanied by:

i) plans drawn to scale showing the shape and dimensions of the affected property

ii) plans drawn to scale showing the location and dimensions of existing buildings and structures

iii) plans drawn to scale showing the location and dimensions of the proposed building, structure, enlargement or alteration

iv) a description of the use or uses of each existing and proposed building or structure, or of the land [and the area to be occupied by each use]

v) a description of the reason why the variance, conditional use, or amendment to this bylaw is being requested

vi) any other information required by [the development officer] to determine compliance with, and to provide for enforcement of, this bylaw

6 PART 6: Definitions

This section includes the definitions used in most basic zoning bylaws. More specialized definitions are included under the topic areas in *The Plug-ins*. For more information on the use of definitions, see Part 5 in *The Introduction*.

6.1 Definitions in *The Planning Act*

Terms not defined in this bylaw which are defined in *The Planning Act* have the meaning provided in that act.

6.2 Definitions in this Bylaw

Where the following terms appear in this bylaw, they have the meaning provided as follows:

Accessory means a use, building or structure that is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building, or structure to which it is accessory. A use shown as a conditional use in the Use Table [Table 1.1] cannot be accessory to a use shown as a permitted use for the same zone.

Agri-Business means an establishment that provides goods or services to the agricultural sector, including (but not limited to) farm equipment and machinery repair shops, feed operations, livestock auction marts, and commercial seed cleaning plants.

Alterations, Incidental means changes or replacements in the non-structural parts of a building or structure, including, but not limited to the following:

(i) An addition, alteration, removal, reconstruction or replacement on the non-structural exterior of a residential building

(ii) An addition, alteration, removal, reconstruction or replacement of any unroofed driveway, sidewalk, patio or any accessory building floor

(iii) Alteration of non-load bearing interior partitions in all types of buildings

(iv) Replacement of, or changes in, the capacity of utility pipes, ducts or conduits

(v) Replacement and placement of necessary roofing materials, awnings, eaves, overhangs and related structures, provided the area and height of the roof are not increased

(vi) The addition and replacement of interior structures such as furnaces, fuel tanks, water heaters, fireplaces or wood stoves

(vii) Replacement of exterior building facades

Alterations, Structural means any change, which prolongs the life of the supporting members of a building or structure, which includes, but is not limited to, bearing walls, columns, beams or girders.

Animal Keeping means a use where livestock or other animals (excluding pets) less than 10 *animal units* (cumulative across species) are sheltered, bred, raised, or sold. This includes, but is not limited to, stables and kennels.

Building has the meaning provided in *The Planning Act*, except that it does not include a well, pipeline, excavation, cut, fill, or transmission line.

Crematorium means a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses.

Drinking Establishment means a building or portion of a building, which is licensed by the Government of Manitoba, where the principal purpose is the sale of alcoholic beverages to the public, for consumption on the premises.

Drive-Through Facility means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a drive-through restaurant or bank.

Dwelling means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

> **Dwelling, Multi-Unit** means a building, located on a single site, containing three or more dwellings (for example, row houses, town houses, or apartment buildings).
>
> **Dwelling, Single-Unit** means a building, located on a single site, containing one dwelling.
>
> **Dwelling, Two-Unit** means a building, located on a single site, containing two dwellings (for example, a duplex or a side-by-side).
>
> **Dwelling, Live-Work** means a dwelling unit that includes working space accessible from the living area, regularly used by one or more of the residents of the dwelling unit, but does not include a home-based business.

General Agriculture means an agricultural operation as defined in the Provincial Planning Regulation but does not include a livestock operation.

Grade means the average level of finished ground adjoining a building or structure at all exterior walls [as determined by the Development Officer].

Height means the total number of storeys in a building or the vertical distance measured from grade to:

a) the highest point of the roof surface of a flat roof
b) the deck or eaves of any other roof type

Industrial, Heavy means a use of land that includes the assembly, fabrication, storage, or processing of goods and materials that may have impacts in terms of noise, fumes, odours, or safety hazards outside of the structures in which the use takes place.

Industrial, Light means a use of land that includes the assembly, fabrication, storage, or processing of goods and materials that do not create noise, fumes, odours, safety hazards outside of the structures in which the use takes place.

Office means the use of a building or a portion of a building for the provision of services to a business, an organization, or to the public. It does not include the manufacturing of any product or the retail sales of goods.

> **Office (Small)** means a building or portion of a building where the office use occurs in a space with a ground floor area less than [465] square meters ([5,000] square feet).

Office (Large) means a building or portion of a building where the office use occurs in a space with a ground floor area equal to or greater than [465] square meters ([5,000] square feet).

Party Wall means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.

Place of Worship means a building (ex: a church, chapel, mosque, synagogue, or temple) primarily used for religious purposes.

Principal Use means the primary or predominant activity on any lot or within any building or structure.

Principal Building means a structure on a site used to accommodate the principal use.

Public Utility means a system furnishing water, sewage collection, electricity, telecommunication services, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way. [It does not include private for-profit or commercial-scale wind or solar energy generating systems.]

Retail means the use of a building or portion of a building where goods, wares, merchandise, or similar items are offered for sale directly to the public.

Retail (Small) means a building or portion of a building where the retail use occurs in a space with a ground floor area less than [465] square meters ([5,000] square feet).

Retail (Large) means a building or portion of a building where the retail use occurs in a space with a ground floor area equal to or greater than [465] square meters ([5,000] square feet).

Secondary means a use or structure that takes place on the same site as a principal use or structure that is not naturally and normally carried out as part of that principal use (ex: a daycare in an office building).

Serviced Lot means a lot with the ability to connect to a municipal sewer system.

Site means a whole lot or block in a registered plan of subdivision, or the aggregate of all contiguous land described in a certificate of title or in more than one certificate of title provided they are in the same ownership.

Site, Corner means a site situated at the intersection of two streets.

Site, Interior means a site other than a corner site or a through site.

Site, Through means a site having a pair of opposite site lines along two more-or-less parallel streets.

Site Area means the computed amount of gross land area contained within the site lines.

Site Coverage means the combined area of all buildings, structures, and paved surfaces on the site as a percentage of the site area, measured at the level of the lowest storey above the grade including all enclosed and insulated decks, sunrooms, porches and verandas, but excluding seasonal non-insulated structures, open or covered, such as decks, screen porches or veranda, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections.

Site Line means one of the boundaries of a site, which include:

Site Line, Front means that boundary of a site along an existing or designated street. For a through site or corner site, the site lines along both streets shall be deemed front site lines. [Where an irregular shaped site cannot have its site lines defined by this definition, the front site line shall be determined by the development officer].

Site Line, Rear means that boundary of a site which is most nearly parallel to the front site line. [Where an irregular shaped site cannot have its site lines defined by this definition, the rear site line shall be determined by the development officer].

Site Line, Side means any boundary of a site which is not a front or rear site line.

Site Width means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or [40] feet from the front site line, whichever is the lesser.

Storey means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a cellar.

Structure means a thing constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location. It includes, but is not limited to, buildings, walls, fences, signs, billboards, light standards and antennas.

Yard means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

Yard required means the yard measured from a front, rear, or side site line towards the interior of the site within which no building or any part of a building may be located, except as provided in this bylaw.

SCHEDULE A: ZONING MAPS

Insert the map of the area—divided into zones—on this page. The map should follow the zoning map checklist below.

Zoning Map Checklist

All zoning maps should meet the criteria in this checklist:

- ☐ All zone names (or abbreviations) match the labels on the map.
- ☐ Maps include a legend.
- ☐ Maps are drawn at a scale that clearly shows the boundaries of different zones. At least one map should show the entire area covered by the zoning bylaw. If the area covered by the zoning bylaw is large, several maps may be required to clearly show the zone boundaries. Areas with more detailed zoning can be shown on inset maps or separate detailed maps.
- ☐ Maps have legal references: SECT/TWP/RGE and/or plan numbers.
- ☐ Maps include major street names and geographical features (ex: railways, water bodies, parks).
- ☐ Maps have standard colours and/or patterns that can be differentiated without difficulty.
- ☐ The locations of waste disposal areas, sewage lagoons, airstrips and their related buffer areas are shown on a map (this helps to ensure new envelopment meets necessary separation distances).

Note: Contact the local Community and Regional Planning office for more advice on mapping.

The Municipal Planning Guide to Zoning Bylaws in Manitoba

Component C: Plug-In Sections of Zoning Tools

Manitoba

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A final thank you goes to Steve P. Hiebert for supplying the cover page photo.

PLUG-IN SECTIONS

OF ZONING TOOLS

MUNICIPAL PLANNING GUIDE TO ZONING BYLAWS IN MANITOBA
COMPONENT C

November 2015

PREFACE

This is the third of three components of the *Municipal Planning Guide to Zoning Bylaws in Manitoba*:

A) The Introduction to Zoning (The Introduction)
B) The Reference Binder of Model Zoning Language (The Binder)
C) The Plug-In Sections of Zoning Tools (The Plug-Ins)

The Guide is intended to meet the needs of rural areas and smaller urban municipalities in Manitoba (outside of Winnipeg and Brandon).

This component contains plug-in zoning tools, arranged by topic. The main topics relate to the main provincial land use policy areas in the Provincial Planning Regulation of *The Planning Act*. Each section includes a brief explanation of the tool and sample zoning language that may be inserted into the *Reference Binder* or into an existing bylaw.

The Plug-Ins include some sections and topics that are often required in a zoning bylaw as well as others that are discretionary. For example, municipalities that have agricultural areas require regulations and standards for livestock operations that implement the policies in the development plan. Other rules and standards that may be required include topics such as mining and extraction, highways, waste sites, riparian areas, flood risk areas, hazard lands, and storage of dangerous goods and chemicals.

Please Note: the wording and standards used in this Guide are examples only and may need to be revised to comply with the policies, objectives and particular community needs outlined in the local development plan and any existing secondary plan for the area.

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General Development Plug-Ins

Fences

Fences: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Measuring Fence Height**

Fence height is measured from the highest part of the fence to the point where the fence post enters grade. Where a fence is located on top of a retaining wall, the height to the fence shall include the height of the retaining wall measured from the finished grade.

1.2 **Projections into Required Yards**

Fences are permitted in all **required yards** and can be placed up to the property line.

1.3 **Prohibited Materials**

Fences shall:

a) Not be electrified, except as an accessory to a permitted agricultural use in the AG zone.

b) Not contain barbed wire, except as an accessory to a permitted industrial or agricultural use in the AG, HC or M zones.

c) Not contain scrap metal or industrial waste material.

d) Not be made of chain link if located in a front yard within the RS, RM, CN or CC zones.

1.4 **Maximum Fence Height**

No fence shall exceed the following heights:

Standards	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Fence Height: Front Yard (Maximum)	3m (10ft)	3m (10ft)	3m (10ft)	1m (3 ft)	1m (3 ft)	1m (3 ft)	1m (3 ft)	1m (3 ft)	1m (3 ft)	2.5m (8 ft)	3m (10ft)	3m (10ft)
Fence Height: Side and Rear Yards (Maximum)	3m (10ft)	3m (10ft)	3m (10ft)	2m (6 ft)	2m (6 ft)	2m (6 ft)	2m (6 ft)	2m (6 ft)	2m (6 ft)	2.5m (8 ft)	3m (10ft)	3m (10ft)

Outdoor Lighting

Improper outdoor lighting can cause conflicts between neighbouring land uses (for example, if glare from an outdoor light shines into neighbouring buildings or outdoor spaces).

Municipalities that want to regulate outdoor lighting through their zoning bylaws can adapt the following provisions. These provisions are intended to address the most common reasons for conflict over lighting in a simple manner that avoids complicated calculations and specialized terminology.

Outdoor Lighting: Model Zoning Plug-In

GENERAL REGULATIONS

To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the ***GENERAL REGULATIONS*** *section of a zoning bylaw.*

1.1 **Outdoor Lighting**

Outdoor lighting is only allowed if the following standards are met:

a) Any outdoor lighting (other than those exempted [in provision (c)] below) must be located, arranged, or shielded so that no light is directed at any adjoining properties or interferes with the effectiveness of any traffic control device.

b) The maximum permitted height of a light fixture is [nine metres]([30 feet]).

c) These standards do not apply to federally-regulated or provincially-regulated buildings and structures (including the lighting required for airports and towers).

Parking

Minimum Parking Standards

Zoning bylaws often include minimum off-street parking standards to ensure that businesses, offices, and public institutions provide parking for their employees or customers, thereby reducing reliance and demand for on-street parking and other public parking facilities.

Despite these benefits, minimum parking standards can negatively affect the walkability and desired densities of urban centres (by potentially encouraging surface parking lots that may be larger than necessary). Minimum parking standards in mature areas can also create challenges for infill development where there may not be enough space on a development site to meet the requirements.

If councils decide to require minimum parking standards, they should consider using incentive zoning to allow developers to reduce these requirements if they provide some of the following public benefits:

- Bicycle Parking
- Car-Share / Car Co-op Parking Spot
- Parking Layout for Pedestrian Safety or Parking Behind Buildings
- Mixed-Use Development or Shared Parking Credits (where there are different operation hours for different uses that share a lot)

Cash-in-lieu of Parking

Municipalities could consider allowing developers the option to pay cash-in-lieu of parking if the required parking standards cannot be met. The money that developers pay into the cash-in-lieu of parking program could go towards the development of central municipally-owned parking facilities. The cash-in-lieu system is intended to assist planning in established areas like downtowns, where accommodating parking on site may be neither practical nor desired.

Maximum Parking Standards

Instead of parking minimums, some urban communities are now including maximum parking standards in zoning bylaws.

These standards can help to limit the size of surface parking lots and encourage customers and employees to use active transportation or public transportation. In turn, this can help to reduce traffic congestion throughout the urban area.

Parking: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Minimum Parking**

Accessory off-street parking spaces shall be provided according to the minimum number of spaces as calculated by Table [1] for uses within the Use Categories indicated on Table [1.1 in *The Binder*]. All accessory off-street parking spaces shall be located on the same site as the principal use, unless specifically permitted to locate elsewhere. There are no parking requirements for zones not included in the table.

Table 1: Minimum Off-Street Parking Requirements

Use Category	RR	GD	RS	RM	CN	CC	HC	M	I	Unit
Residential	1.0	1.0	1.0	1.0	0.5	0.5	-	-	-	Per Dwelling
Lodging	1.5	1.0	1.5	1.0	1.0	1.0	1.0	-	-	Per Bedroom
Office	2.0	1.5	1.5	1.5	1.0	0.5	1.5	1.5	0.5	Per 100 m^2 (1075 sq ft.)
Retail	3.0	1.5	3.0	1.5	1.0	1.0	2.5	2.5	1.0	Per 100 m^2 (1075 sq ft.)
Civic	1.0	1.0	1.0	1.0	0.5	0.5	-	-	0.5	Per 100 m^2 (1075 sq ft.)
Education	1.0	1.0	1.0	1.0	0.5	0.5	-	-	0.5	Per 100 m^2 (1075 sq ft.)

1.2 **Parking Requirements Based on Floor Area**

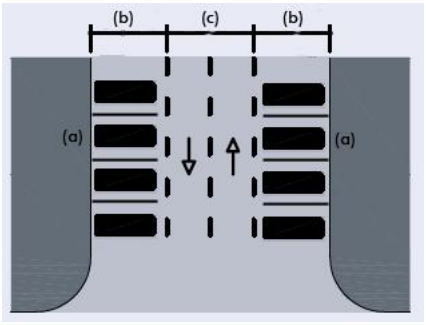
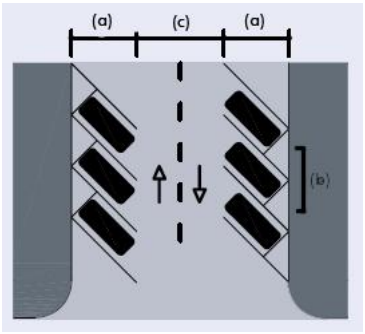
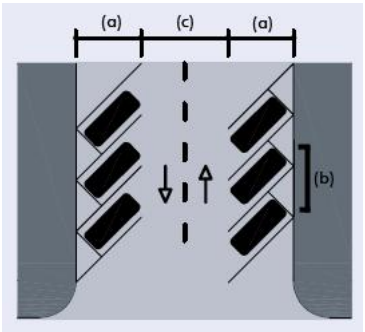
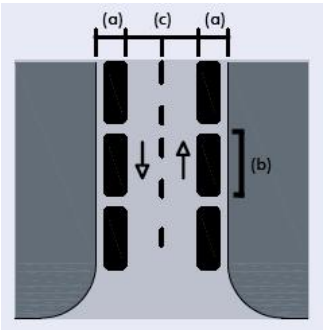
Where parking requirements are based on the "floor area" of the use, the term "floor area" means the gross floor area of the principal building, excluding:

a) Any area used for parking within the principal building
b) Any area used for incidental service storage, mechanical equipment, or similar uses

1.3 **Parking Stall and Aisle Specifications**

Off-street parking spaces shall meet the parking stall and aisle specifications in Table [2]. If the proposed spaces are designed at an angle that is not in Table [2], use the specifications for the angle that is closest.

Table 2: Parking Stall and Aisle Specifications

Angle	Configuration	Minimum Stall Dimensions		Minimum Aisle Width	
		Stall Width (a)	Stall Depth (b)	Two - Way (c)	One - Way (c)
90° (Head-In)		[2.75] m (9 ft)	[5.5] m (18 ft)	[6.7] m (22 ft)	[6.0] m (20 ft)
60° (Angled)		[2.75] m (9 ft)	[5.5] m (18 ft)	[7.3] m (24 ft)	[5.5] m (18 ft)
45° (Angled)		[2.75] m (9 ft)	[5.5] m (18 ft)	[7.3] m (24 ft)	[3.7] m (12 ft)
0° (Parallel)		[2.75] m (9 ft)	[5.5] m (18 ft)	[6.7] m (22 ft)	[3.7] m (12 ft)

1.4 **Barrier-Free Parking Spaces**

Barrier-Free parking spaces shall be provided according to the minimum number of spaces specified by Table [3]. Each barrier-free parking space shall have a minimum width of [3.5] meters ([11.5] feet) and a minimum length of [seven] meters ([23] feet). Barrier-free parking spaces shall be located within close proximity and access to the principal building entrance. Barrier-free spaces must be clearly marked and reserved for the exclusive use of people with mobility issues.

Table 3: Required Barrier-Free Parking Spaces

Number of Off-Street Parking Spaces on a Zoning Site	Minimum Number of Barrier-Free Parking Spaces
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101+	4 plus 1 for every 50 additional spaces, to a maximum of [10] spaces

1.5 **Surface and Maintenance**

An off-street parking area and its access driveways shall be surfaced and drained so that there will be no free flow of water onto public sidewalks or adjacent properties [other than through a drain, ditch or swale]. The surface for an off-street parking area in any zone may be constructed of [asphalt], [concrete], or [permeable paving blocks]. The surface for an off-street parking area in the RR and RS zones may also be constructed out of [gravel], [crushed rock] or [other aggregate material].

1.6 **Landscaping and Buffering**

If a **surface parking lot** or accessory parking area abuts a public street, the owner must screen the perimeter of the parking area from public view. The screening must be:

a) A [wall], [fence], or [landscaped hedge] a minimum of a [one] meter (three feet) high; OR

b) A planting bed a minimum of [two] metres (six feet) wide, planted with a minimum of one shrub every [0.75] metres (2.5 feet) [and] one shade tree every [7.5] metres (25 feet).

1.7 **Location**

An accessory parking area must comply with the minimum yard requirements for the zone in which the parking area is located.

1.8 **Maximum Parking Spaces**

The number of accessory off-street parking spaces for any building or use shall not exceed the amount determined as follows:

a) For parking lots of less than [20] spaces, the number of parking lots may not be more than [150] per cent of the minimum number of spaces identified in Table [1], not

including accessible spaces. *(For example, a 10-unit hotel in the RM zone would have to provide a minimum of 10 parking spaces up to a maximum of 15 spaces).*

b) For parking lots of more than [20] and less than [50] spaces, the number of parking lots may not be more than [120] per cent of the minimum number of spaces identified in Table [1], not including accessible spaces. *(For example, a 30-unit residential building in the CC zone would have to provide a minimum of 30 parking spaces up to a maximum of 36 spaces).*

c) For parking lots of more than [50] spaces, the number of parking lots may not be more than [110] per cent of the minimum number of spaces identified in Table [1], not including accessible spaces.

1.9 **Landscaping for Large Parking Areas**

If a **surface parking lot** or accessory parking area is a size of [40] or more parking stalls, it must provide a planted median, to the specifications in provision [1.6(b)], between every block of [10] stalls (see [Figure 1]).

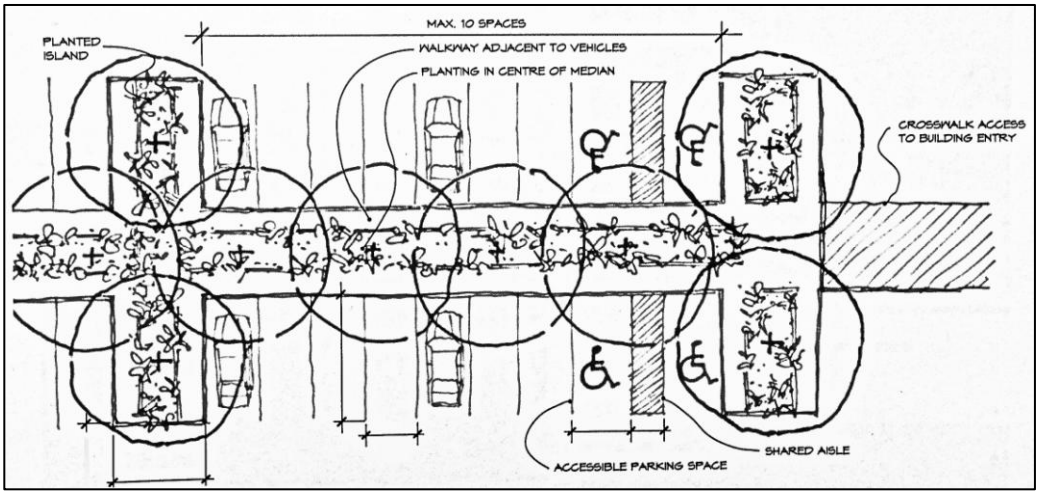


Figure 1: Landscaping for Large Parking Areas (HTFC Planning & Design, 2005)

USE TABLE

*To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Parking Structure					C			P	P	P	P	P
Parking, Surface Lot					C			C		C	C	C

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as Secondary Use

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Parking Structure means an enclosed structure or facility where motor vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a *principal use.* The facility may be above, below, or partially below ground and includes parking garages and parking decks.

Parking, Surface Lot means an unenclosed area where motor vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a *principal use*.

Loading

Loading: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Minimum Loading Spaces**

Loading spaces shall be provided according to the minimum number of spaces as calculated by Table [4] for uses within the Use Categories indicated on Table [1.1 in *The Binder*].There are no loading requirements for zones not included on the table.

Table 4: Minimum Required Loading Spaces

Use Category	GD	RM	CN	CC	HC	M	I	Unit
Residential	-	-	-	-	-	-	-	Per Dwelling
Retail & Office (> than 10,000 sq. ft.)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	Per 1860m^2 (20,000 sq. ft.) of floor area of primary building
Civic (> than 10,000 sq. ft.)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	Per 2800m^2 (30,000 sq. ft.) of floor area of primary building
Industrial	1.0	1.0	1.0	1.0	1.0	1.0	1.0	Per 1860m^2 (20,000 sq. ft.) of floor area
Other	-	-	-	-	-	-	-	

1.2 **Loading Space Standards**

A required off-street loading space shall meet the following minimum standards:

a) It shall have minimum dimensions of [nine] meters long, [3.5] meters wide, with [4.25] meters vertical clearance ([30] feet long, [12] feet wide and [14] feet vertical clearance)
b) It shall have access to a lane or street
c) It shall be provided on the same site as the principal building or use but not in the required front yard

Lot Grading

Municipalities may have rules for lot grading in a separate Lot Grading Bylaw. If not, they may include provisions, such as the ones below, in a zoning bylaw.

Lot Grading: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Maintaining Grades for Drainage**

The landowner shall establish and maintain lot **grading** for adequate drainage so that there will be no free flow of water onto public sidewalks or adjacent properties [other than through a drain, ditch or swale].

1.2 **Lot Grading**

No person shall proceed with any work that may alter or otherwise change the **grading** of a lot or property in any manner that may affect the existing or established storm water runoff from that or any adjacent property without first obtaining a development permit.

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Grading means the shaping or sloping of land.

Portable Garages

Many municipal and planning district officials in Manitoba say portable garages can be challenging to regulate. Portable garages are intended to protect vehicles from sunlight and weather. These shelters can become unsightly from prolonged exposure to the elements or lack of maintenance. If the municipality does not address "unsightliness" through a Property Standards Bylaw, the following zoning bylaw plug-in could be used to help address some of these concerns.

Portable Garages: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Standards for Portable Garages**

The installation of a portable garage shall be allowed as an accessory use subject to the following rules:

a) a portable garage is not allowed within the required front yard of a site
b) a portable garage must meet the requirements for accessory building side and rear yard requirements
c) a portable garage must not exceed the height restrictions for accessory buildings in the zone in which it is located
d) a portable garage must be placed on a driveway or parking space
e) a portable garage must be kept in good condition, any rip in the fabric must be repaired
f) a maximum of [one] portable garage is allowed on a site

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Portable garage means a temporary structure intended to store goods or materials that may consist of metal or steel frame and is covered by such material as canvas, plastic, polyethylene, various types of fabric or similar materials.

Private Communications Facilities

Private communications facilities, which include satellite dishes, antennas, and towers, can either be regulated using the standard rules for accessory uses or by adding some regulations that specifically address some of the unique attributes of private communications facilities. Model language for private communications facilities is provided below.

***Note**: Proponents of a telecommunications tower are responsible for obtaining any required federal and/or provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Infrastructure and Transportation, and Manitoba Conservation and Water Stewardship, prior to the issuance of a development permit and any required building permits.*

Private Communications Facilities: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Private Communications Facilities**

A private communications facility may be allowed as an accessory use in accordance with the minimum yard requirements for accessory structures in the zone in which it is to be located or erected, with the following exceptions:

a) A private communications facility is not subject to the height requirements for accessory structures

b) A private communications facility may be located in any rear or side yard in any zone. It may also be located in any front yard in the AG and RR zones

c) A private communications facility shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from grade to the uppermost point of its extension

d) A private communications facility may be located on the roof of a building; however if it is located on the roof of a building in the AG, RR, or RS Zones, the weight (including all support apparatus) shall not exceed [75] pounds

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Private Communications Facilities means outdoor equipment and structures required for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or similar communications signals. These facilities may include, but are not limited to: antennae, aerials, receiving dishes, transmission beacons, masts and towers.

Shipping Containers ("Sea Cans")

Many municipal and planning district officials in Manitoba say that they have had challenges trying to regulate shipping containers. Shipping containers are being used as storage for commercial and industrial facilities. Repurposed containers are also being used as dwelling units and self-storage facilities. The following zoning bylaw plug-in can be used to help regulate such uses.

Shipping Containers: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Standards for Shipping Containers**

A shipping container must adhere to the following standards:

a) A shipping container used for storage must meet the requirements for accessory buildings in the zone in which it is located. Shipping containers, when stacked, must not exceed the maximum height for accessory buildings for the zone

b) A shipping container used as a dwelling must meet the requirements for dwelling units in the zone in which it is located (*as well as the requirements necessary to receive a building permit)*

c) A shipping container may be used for temporary storage or emergency purposes, provided it meets the requirements for temporary buildings and structures in this bylaw

Signs

Municipalities may consider regulating signage for the purpose of preventing unsightly and detrimental development, reducing hazards to pedestrian and vehicular traffic, preventing signs from obscuring one another due to size, and securing certain standards of design for the community.

Municipalities may have rules for signs in a separate signage bylaw or they may include provisions, such as the ones below, in a zoning bylaw.

Signs: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Signage Regulations**

The following provisions shall apply to all signs erected or maintained within the [Municipality or Planning District], except wherein otherwise stated:

a) signs and sign structures may be allowed as accessory uses in accordance with the Sign Requirements Table [Table 5], subject to the issuance of a development permit, except as provided in [Section 1.2 of] this zoning bylaw

a) all signs shall comply with the minimum yard requirements for accessory structures in the zone in which they are to be located or erected

b) billboards and other signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning lot on which that sign is located may only be allowed in zones where Advertising Sign is a Permitted or conditional use. Such signs must also be constructed in accordance with the Sign Requirements Table [Table 5], and subject to the issuance of a development permit

c) no sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display

d) no sign may contain flashing lights or digital images unless specifically allowed in the Sign Requirements Table [Table 5]. All signs with flashing lights or digital images are prohibited within [30] metres ([100] feet) of RR, RS, or RM zones

e) no sign or sign structure shall be erected or maintained on, over or above any land or right-of-way belonging to the [Municipality or Municipalities within the Planning District] without a development permit

f) the placing of signs within the **controlled area** of a Provincial Road or Provincial Trunk Highway shall require a permit from the applicable provincial authority (*use in conjunction with the plug-in section for* Highways)

g) all signs and sign structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within [30] days following notice by the [designated employee or officer]

1.2 **Signs Not Requiring a Development Permit**

The following signs shall not require a development permit. However, they must still comply with any applicable standards in this bylaw:

a) signs posted by duly constituted public authorities in the performance of their public duties
b) flags or emblems of a political, civic, educational or religious organization
c) commemorative or memorial signs or tablets
d) temporary signs including real estate signs, construction signs, election signs, garage sale signs and similar
e) **mobile signs (small)** not exceeding [0.5] m^2 (5 ft^2)) in surface area (for a single sign face)
f) **awning signs** with signage originally incorporated in the design or awning material
g) residential on-site identification signs or warning signs (such as "Private Property" signs and similar) not exceeding [three] square feet each in surface area
h) signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding [0.5] m^2 (5 ft^2)) in sign surface area

Table 5: Sign Requirements

Type of Sign	Permitted in Zones	Maximum Area	Additional Conditions	Illustration
Fascia (small)	AG AL RR GD RS RM PR	[0.5] square meters ([5] square feet) maximum area for a single face	A sign in the [RR] or [RS] zones may only be illuminated during business hours.	
Fascia (large) or Marquee	PR GD CN CC HC M I	[10] per cent of the area of the wall to which sign is affixed	Illumination and flashing lights are permitted, following the standards for signs.	

Type of Sign	Permitted in Zones	Maximum Area	Additional Conditions	Illustration
Projecting (small)	PR GD RM CN	[0.5] square meters (5 square feet) maximum area for a single face	Must not project more than [1.5] m (5 ft) from the wall to which the sign is affixed.	
Projecting (large)	CC HC M I	[2] square meters (21.5 square feet) maximum area for a single face	Must not project more than [2] m (6.5 ft) from the wall to which the sign is affixed. Illumination and flashing lights are permitted, following the standards for signs.	
Free-Standing (small)	AG AL RR GD RS RM PR	Maximum Height (from grade): [2] m (6.5 ft).	Not permitted for home-based businesses.	

Type of Sign	Permitted in Zones	Maximum Area	Additional Conditions	Illustration
Free-Standing (large)	AG GD CC HC M	[11] square meters (118 square feet) maximum area for a single face. Maximum Height (from grade): [10.5] m (34 ft).	Illumination and flashing lights are permitted, following standards. Not permitted in a required yard abutting an [RR], [RS], or [RM] zone. Minimum setback from a property line must be [33] per cent the height of the sign.	
Awning	PR GD CN CC HC M I	[10] per cent of the area of the wall to which awning is affixed		
Mobile (small)	PR GD RM CN CC I	Maximum Height: [1.4] m ([4.5] ft).	One sign may be placed within public right-of-way immediately adjacent to a commercial use during regular hours of operation.	

Type of Sign	Permitted in Zones	Maximum Area	Additional Conditions	Illustration
Mobile (large)	AG AL GD HC M	[4.5] square meters (48 square feet) maximum area for a single face Maximum height (from grade): [3] m ([10] ft).	Must not include any flashing lights. Maximum of one sign per property. Only allowed to occupy one parking space where there is no practical alternative.	
Digital	CC HC M I	[7] square meters (75 square feet) maximum area for a single face	Not permitted in a required yard abutting an [RR], [RS], or [RM] zone. Images must have a minimum hold time of [6] seconds.	
Inflatable	PR HC M I	[5] meters ([16.5] feet) maximum height from grade	Only [1] inflatable sign shall be permitted per site. Only allowed as a temporary sign that may be displayed for no more than [15] days within a [6] month period.	

USE TABLE

To enable these regulations, the line below should be added to the USE TABLE of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Advertising Sign		C*			C*				C*	C*	C*	

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as Secondary Use

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Sign means any writing, illustration, or emblem, which directs attention to a building, use, business, commodity, service, or entertainment.

Sign, Advertising means a sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same site where the sign is located.

Sign, Fascia means a sign [or individual letters] attached to or inscribed on a wall or other surface and having the exposed face of the sign on a place approximately parallel to the plane of such wall or other surface [and projecting not more than [0.5] metres from the face of such wall]. May include a sign attached to a marquee.

Sign, Projecting means a sign attached to a building, which extends perpendicularly beyond the surface of that portion of the building to which it is attached.

Sign, Free-Standing means a sign supported by one or more poles, braces or anchors that are placed permanently in the ground and that are independent from any building or other structure. Free-standing signs may include (but are not limited to) billboard signs and signs that are attached to fences.

Sign, Awning means a sign that is incorporated into the material of an awning.

Sign, Mobile means a sign which is mounted on a trailer, stand, or other support structure which is designed in such a manner that the sign can be readily taken down or relocated, and which may include copy that can be changed through the use of removable characters, panels, or by electronic means.

Sign, Digital means a sign that uses electronic screens, light emitting diodes, or similar technology. Digital signs may include (but are not limited to) digital reader boards or digital static copy screens.

Sign, Inflatable means a three-dimensional device that is designed to be filled with air or gas, which may or may not incorporate writing, illustrations, or emblems.

Swimming Pools and Hot Tubs

To ensure public safety, particularly the safety of small children, municipalities may want to include specific provisions for swimming pools and hot tubs.

Note: *Semi-private pools, when not located on a single-family dwelling site nor used solely by the occupants of a dwelling or their guests, are subject to the regulations governing swimming pools under The Public Health Act and the Manitoba Building Code.*

Swimming Pools and Hot Tubs: Model Zoning Plug-In

GENERAL REGULATIONS

To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the ***GENERAL REGULATIONS*** *section of a zoning bylaw.*

1.1 **Swimming Pools and Hot Tubs**

Swimming pools, hot tubs, and similar structures with a water depth of greater than two (2) feet, shall be allowed as a permitted accessory use to a residential use (including when located on a farm), recreational, or commercial development provided that:

a) they meet the sitting requirements of accessory structures for the zone in which they are located
b) the pool area is protected by a **fence** with lockable gates and a minimum height of [1.83] meters ([six] feet) to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from crawling underneath
c) a [development permit] is issued under this bylaw
d) nothing in this subsection shall relieve any such structure from complying with the requirements under the [local Building Bylaw] or applicable provincial regulations including *The Buildings and Mobile Homes Act* and *The Public Health Act*

Zoning Overlays

Zoning overlays are not the same as zones. Zoning overlays are a set of special modifying rules for a specified area (such as a heritage district) that are placed "on top" of the base regulations or standards set out for a particular area. The rules in both the zone and the overlay apply; when they regulate the same thing, the most stringent standard will apply.

A zoning overlay area may cover only part of a zone or it may overlap the boundaries of two or more zones. The boundaries of the overlay areas should be clearly indicated on a zoning map. Zoning overlays should always follow the community's vision set out in a development plan or secondary plan.

Potential zoning overlays include:

- **Transit-Oriented Development Overlay** (within a 500 metre radius of a transit hub): can reduce off-street parking requirements, encourage mixed-use development, and increase height limits.
- Pedestrian Area Overlay (on zoning sites adjacent to identified pedestrian corridors): can increase requirements for pedestrian amenities (including benches, lighting, tree and awnings), require commercial entrances from the sidewalk, etc.
- Heritage District Overlay (for recognized heritage areas): could regulate design details for buildings and sites and require pedestrian amenities listed above.
- Riparian Area Overlay (riparian areas adjacent to waterways): could limit the removal and disturbance of natural vegetation and restrict development within the riparian zone that could result in: the contribution of nutrients, deleterious chemicals or materials to water bodies or the riparian area; an acceleration of erosion or bank instability; or an impact on any in-stream flows needed to maintain a healthy aquatic ecosystem. Development setbacks in this overlay area should follow those in the area's development plan or the Provincial Planning Regulation.

Note: *As overlays increase the need for cross-referencing, they should be used sparingly.*

Zoning Overlay: Model Zoning Plug-In

MAPS

Zoning overlay areas must be established by outlining the area within the overlay on a Map in [Schedule A] of the zoning bylaw.

Figure 1: Sample Zoning Overlay area (area in red)

Water

Flood Risk Areas and Hazard Lands

The Provincial Planning Regulation of *The Planning Act* requires municipalities to include policies to restrict development in flood risk areas and hazard lands in their development plans. Municipalities should incorporate regulations in their zoning bylaws to implement the specific policies in the development plan.

Related Policies

Climate Change Mitigation

Economic Development

Sustainable Infrastructure

According to provincial policies, development must not occur in flood risk areas unless risks are eliminated or ways are identified to ensure that:

a) no additional risk to life, health or safety is created as a result of development
b) buildings and structures, including septic fields, are protected from the risks related to flooding, erosion, and bank instability
c) water flow, velocities, and flood levels will not be adversely altered, obstructed or increased as a result of development [5.2.1]

Manitoba Infrastructure and Transportation requires a minimum flood protection level of 0.61 meters (two feet) above a flood level equalling the **design flood,** a recorded flood exceeding the **design flood,** or a flood specified by the Hydrologic Forecast and Water Management Mid-Division of Manitoba Infrastructure and Transportation.

Flood Risk Areas and Hazard Lands: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for the conditions in the planning area and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Hazard Lands**

Development is prohibited on land that is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise hazardous by virtue of its soil or topography, unless a geotechnical engineering report showing that the development may occur without creating any additional risks is submitted to the [Municipality or Planning District] at the time of application for a development permit.

1.2 **Flood Risk Areas**

Development is prohibited on land that is within 0.61 meters (two feet) of the high-water mark of the **design flood,** a recorded flood exceeding the **design flood,** or a flood specified by Manitoba Infrastructure and Transportation, unless an engineering report showing the development, with flood protection, may occur without creating any additional risks is submitted to the [Municipality or Planning District] at the time of application for a development permit.

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** in a zoning bylaw.*

Design Flood means a flood magnitude on a water body that, on average, is expected to occur once during a one hundred year period. *(**Note:** This definition is from* the Provincial Planning Regulation.*)*

Riparian and Wetland Areas

Riparian areas are areas of land on the banks of or near a water body that are capable of naturally supporting an ecosystem that is distinct from the ecosystem of the adjacent upland areas. The Provincial Planning Regulation of *The Planning Act* requires a development plan to include policies to protect riparian areas. Municipalities should incorporate riparian protection regulations in their zoning bylaws to implement the specific policies in the development plan.

Related Policies

Climate Change Mitigation

According to provincial policies, development must be prohibited within 100 feet (30 metres) of all natural water bodies and waterways, except for development that creates only minor disturbances, like docks, pathways, and boathouses. Development must also be prohibited within at least 50 feet (15 metres) of artificial retention ponds and first and second order drains. For more guidance on zoning for riparian and wetland areas, see the Planning for the Protection of Riparian Areas Planning Resource Guide.

Riparian and Wetland Areas: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Riparian and Wetland Areas**

No development shall occur within the area [30] meters ([100] feet) upslope from the normal high water mark of a natural water body, waterway, wetland, or a third (or higher) order drain, except if the development is permitted as an exception under [1.2] or [1.4] No development shall occur within [15] meters ([50] feet) of a first or second order drain, or artificially created retention pond, except if the development is permitted as an exception under [1.2] or [1.4].

1.2 **Exceptions to Riparian Setbacks**

Notwithstanding the restrictions in [1.1], developments that create minor disturbances to the natural vegetative cover of riparian areas (such as docks, boathouses, and pathways) may be allowed within the riparian and wetland area, provided no more than 25 per cent of the length of a lot's shoreline is affected.

1.3 **Protection of Important Areas**

No development shall occur [60] meters ([200] feet]) upslope from the normal high water mark of a water body or waterway identified in the [name of the local development plan] as being socially, historically or culturally important, being designated under an enactment, or containing unique aquatic assemblages and species. The natural vegetative cover must be retained or rehabilitated within these areas.

1.4 **No Alteration of Wetlands**

Development shall not result in alteration to permanent, semi-permanent or coastal wetlands by the consolidation of wetlands or by ditching, filling, pumping, subsurface drainage or other works or means, unless it is for the purpose of flood mitigation. Flood mitigation must maintain the natural boundaries of permanent, semi-permanent or coastal wetlands.

Renewable Resources and Recreation

Solar Energy

Municipalities can encourage the development of solar energy by allowing solar collectors as permitted or conditional uses in appropriate zones. In order to facilitate solar energy development in an area, zoning bylaws should include use-specific standards for solar collector devices.

Note: *Where solar energy systems are used, it may also be advisable to consider regulations that limit or restrict vegetation and structures on adjacent properties from blocking solar access.*

Related Policies

Climate Change Mitigation

Economic Development

Sustainable Infrastructure

Solar Energy: Model Zoning Plug-In

USE TABLE

To enable these regulations, the line below should be added to the ***USE TABLE*** *of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Solar Collector (Commercial)		C*	C*						P*	P*	P*	P*
Solar Collector (On-Site Use)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as secondary use

USE-SPECIFIC STANDARDS

To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the ***USE-SPECIFIC STANDARDS*** *section of a zoning bylaw.*

Solar Collectors

1.1 Standards for Solar Collectors

A commercial Solar Collector must meet the following standards:

a) any solar collector not connected to a building shall adhere to the same setbacks and height restrictions for secondary/accessory buildings in the zone in which the installation is situated

b) a roof or wall-mounted solar collector shall not exceed, in size, the total square footage of the principal structure

c) a solar collector that is mounted on a roof may project a maximum of [1.5] meters (6.5 feet) from the surface of the roof and must not extend beyond the outermost edge of the roof

d) a solar collector that is mounted on a wall may project a maximum of [0.6] meters (two feet) from the surface of that wall and must be located a minimum of [2.4] meters (eight feet) above grade

DEFINITIONS

To enable these regulations, the terms below should be added to the ***DEFINITIONS*** *section of a zoning bylaw.*

Solar Collector means a panel or other solar energy device with the primary purpose of gathering, storing, and distributing solar energy for electricity generation, space heating, space cooling, or water heating.

Solar Collector, Commercial means a solar collector designed and built to provide electricity for commercial sale and distribution to the electricity grid (ex: a solar farm).

Solar Collector, On-Site Use means a solar collector intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. **Rooftop Solar Collectors** are a type of **On-Site Use Solar Collectors.**

Solar Collector, Rooftop means a roof mounted solar collector and associated equipment for converting solar energy to power.

Wind Energy Generating Systems

Municipalities can encourage the development of wind power by allowing Wind Energy Generating Systems (WEGS) as permitted or conditional uses in appropriate zones. In order to facilitate wind farm development in an area, zoning bylaws should include use-specific standards for these devices.

It is best practice to make commercial wind energy generating systems conditional uses in appropriate zones (like in an Agricultural Zone, where they could be secondary uses to the primary use of agriculture). This allows councils, boards and planning commissions to hear public representation and consider each energy system on a site-specific basis. It also gives these authorities the opportunity to require developers to meet specific conditions (or enter into a development agreement) to address any concerns raised at the public hearing.

Related Policies

Planning for Agriculture

Climate Change Mitigation

Economic Development

Sustainable Infrastructure

Definitions for Wind Energy Systems: It is recommended that wind energy generating systems be defined based on their use as either commercial wind energy generating systems or on-site wind energy generating systems.

For more information, see the report on Land Use Planning for Wind Energy Systems in Manitoba.

Note: *Wind turbines also have specific setback requirements from Provincial Highways.*

Wind Energy Generating Systems: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Wind Energy Generating System Tower (Commercial)	C*	C*	C*									
Wind Energy Generating System (On-Site Use / Rooftop)		P*	P*	P*	C*				C*	P*	P*	C*

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as Secondary Use

USE-SPECIFIC STANDARDS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.*

Wind Energy Generating System Tower (Commercial)

1.2 **Standards for Wind Energy Generating System Tower (Commercial)**

A commercial Wind Energy Generating System tower must meet the following standards:

a) it is set back no less than [1.5] times the **total turbine height** from the property line and any public road or railway right of way

b) it is set back no less than [30] meters ([100] feet) from a water body or waterway

c) the minimum separation distance between a **commercial wind energy generating system** tower and the nearest habitable building shall be [500] meters ([1640] feet)
d) it contains no commercial advertising other than the manufacturer's or owner's name or logo
e) it contains no artificial lighting other than the lighting that is required by federal and provincial regulation
f) as part of their development permit application, proponents for Wind Generation System must submit a detailed site plan showing the location of all wind generating devices, associated accessory buildings or structures, electrical lines (above or below ground) on-site roads and driveways providing access to the public road system

Wind Energy Generating Systems (On-Site / Rooftop)

1.3 Standards for Wind Energy Generating Systems (On-Site / Rooftop)

An on-site Wind Energy Generating System must meet all of the following standards:

a) it is set back at least [six] meters ([20] feet) from the front building line, or, in the case of corner lots, at least [4.5] meters ([15] feet) from the front and side lot line
b) it is limited to a total turbine height of no more than [4.5] meters ([15] feet) above the rooftop
c) it is safely and securely attached to the rooftop in compliance with the National and Provincial Building Codes

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Wind Energy Generation System means any device or group of devices such as a wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is used for personal use or for generation of power for sale by an enterprise.

Wind Energy Generating System, Commercial means a wind energy generating system designed and built to provide electricity for commercial sale and distribution to the electricity grid.

Wind Energy Generating System, On-Site Use means a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. **Rooftop Wind Energy Generation Systems** are a type of **On-Site Use Wind Energy Generating System.**

Wind Energy Generation System, Rooftop means a roof mounted wind turbine(s) and associated equipment for converting wind energy to power.

Total Turbine Height means the height from finished grade to the highest vertical point of a wind turbines rotor blades.

Open Space Zone

Municipalities with an interest in maintaining the sustainability of renewable resources, while ensuring a balance between conservation and development can support this interest by identifying renewable resource areas and protecting them from incompatible development, fragmentation and degradation.

Municipalities can protect natural areas by giving them a specific open space (OS) zone that prohibits permanent structures and other forms of development that may disturb or damage the plants or animals found in the area. This zone may also be used to provide open space buffers between incompatible uses in more urban environments (in places where the range of uses allowed in the Parks and Recreation zone should not be considered). As no permanent principal structures are permitted in this zone, there are no site or bulk requirements.

Related Policies

Climate Change Mitigation

Economic Development

Sustainable Infrastructure

Why Use this Tool?

The open space (OS) zone is intended to preserve natural land and significant wildlife habitats and protect them from incompatible land uses. It can also help to offset and abate the potential problems of soil erosion, pollution, and climate change. Furthermore, an open space zone can preserve land that provides opportunities for aesthetic enjoyment, recreational use, tourism, cultural and heritage appreciation and sustainable development.

Note: *Some zoning bylaws in Manitoba use the open space zone interchangeably with a Parks and Recreation zone; however, these zones should be distinct because the range of uses allowed in the Parks and Recreation zone (ex: golf courses) should not be permitted in land covered by an open space zone, like naturally preserved woodlands.*

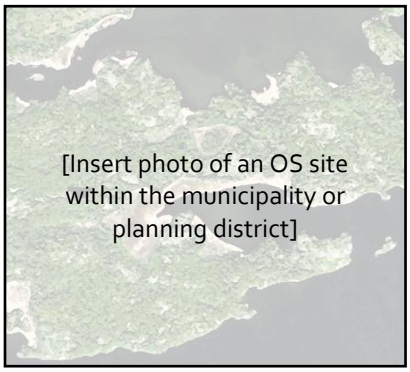
Open Space Zone: Model Zoning Plug-In

ZONES

See the following page for a full sample use and bulk table for an OS – open space zone.

OS – Open Space

Intent: This zone is intended to preserve natural land and significant wildlife habitats and protect it from incompatible land uses. Permanent buildings or structures are not permitted in this zone. This zone can be used for lands unsuitable for development because of flooding or erosion concerns. Activities such as wildlife viewing, ecotourism, hunting, trapping, and harvesting may be allowed in this zone [Provincial Planning Regulation, 1.4.3, 4.1.4].



USE TABLE (1.1)	OS
PERMITTED PRINCIPAL USES	**Use-Specific Standard**
Park	-
Ecological Reserve	-
Conservation Area	-
CONDITIONAL USES	
PERMITTED ONLY AS SECONDARY USES	
* = Use-Specific Standard Applies	

BULK TABLE (1.2)				*Open Space*	OS
Site Dimensions	Site Area (Min)	NP	**Building Heights**	Height (Min)	NP
	Site Area (Max)	NP		Height (Max)	NP
	Site Width (Min)	NP	**Accessory or Secondary Buildings & Structures**		
	Site Width (Max)	NP			
	Site Coverage (Max)	NP			
Required Yards: Principal Building	Front Yard (Min)	NP		Front Yard (Minimum)	-
	Front Yard (Max)	NP		Side Yard (Minimum)	-
	Side Yard (Min)	NP		Rear Yard (Minimum)	-
	Side Yard (Max)	NP		Separation from PB	-
	Rear Yard (Min)	NP		Accessory Height (Max)	-
NP: Structures are not permitted in this area					

Agriculture

It is essential for Manitoba municipalities and planning districts to protect agricultural lands. A secure and productive land base provides food security, employment, and economic stability. The following tools can be used to limit the fragmentation of prime agricultural land and encourage sustainable farming operations.

Policies for Agricultural Areas

A development plan must have specific policies for agricultural areas and uses regarding livestock operations, residential subdivision, specialized agriculture, agro-commercial and agro-industrial activity. These policies must be consistent with the Provincial Planning Regulation.

Subdivision of Agricultural Land

To minimize fragmentation of land designated for agricultural use, such land must be maintained in a minimum parcel size of at least 80 acres (32 ha) (generally) [Reg 3.1.4]. Land designated for agricultural use may only be subdivided into a parcel smaller than 80 acres in these circumstances:

a) a specialized agricultural operation ... which requires a smaller land holding
b) an existing farmstead site that is no longer required as part of an agricultural operation (because the associated farmland has been acquired by another agricultural operation), or because subdivision of the farmstead site is necessary to allow the agricultural producer to continue to reside in the existing farm residence upon retirement
c) a single lot subdivision for residential purposes is required for an individual who significantly participates in the agricultural operation on an ongoing basis and derives an income from it
d) a single lot subdivision is proposed for rural residential purposes, but only if the proposal is in a planning area that has experienced continuous population decline over the previous fifteen years
e) a single lot subdivision is proposed for a commercial or industrial use that is intended to
    i. provide services, machinery, equipment or goods specifically required by ag operations
    ii. or, store or process products grown or raised by an agricultural operation, but only if it is demonstrated that due to the nature or activity of the use it is essential that it be located in an agricultural area
f) a single lot subdivision is proposed for a parcel of land that has been physically isolated by such things as a transportation route or a water course, but only if the parcel is of a size, shape or nature that makes farming physically impractical [Reg 3.1.5]

Only 1 subdivision per 80 acre title is permitted for the circumstances described in clauses a) to d) (above) [Reg 3.1.6].

Note: *Non-agricultural parcels created must a) not be wasteful of agricultural land; b) should, if possible, be directed away from prime agricultural land and existing livestock operations; and c) if applicable, must be confined to the existing shelterbelt that forms part of a farmstead site [Reg 3.1.7].*

Importance for Zoning

These policies are primarily implemented during the subdivision process. However, they have several implications related to zoning for agriculture. See the following section for more information on this topic.

Zoning for Agriculture

Zoning bylaws implement the agricultural policies in the local development plan and any applicable secondary plan. This section explains how zoning may be used to implement these policies.

Site Area

The minimum site area in the Agriculture General (AG) and Agriculture Limited (AL) zones should reflect the policies in the development plan. The Binder sets the minimum site area at 80 acres for general agriculture activities, with an exception for other uses that may utilize smaller site sizes (based on policies in the Provincial Planning Regulation and the local development plan).

Permitted and Conditional Uses

Permitted and conditional uses should reflect the policies in the development plan, particularly in regards to livestock operations and agro-commercial or agro-industrial uses.

Agro-Commercial and Agro-Industrial Uses

Agro-commercial and agro-industrial single lot uses include commercial and industrial developments that provide services, machinery, equipment or goods specifically required by farm operations, or store or process products grown or raised by an agricultural operation.

These types of developments may need to be located in the designated agricultural area to serve the farming public. The need to locate the proposed development in an agricultural area must be demonstrated.

If more than a single lot is required for an agro-commercial or agro-industrial use, then these developments should be directed toward designated commercial and industrial areas where they can be more efficiently serviced.

All agro-commercial and agro-industrial subdivisions must not be wasteful of agricultural land and, if possible, should be directed away from prime agricultural land. Where applicable, the subdivided lot should not extend beyond an existing shelterbelt or other physical attribute that confines the site. (Planning for Agriculture Planning Resource Guide, p. 22).

Livestock Operations

Zoning bylaws must include regulations for livestock operations that are consistent with the livestock operation policy in the planning district or municipality's development plan [72(1)].

A **livestock operation** is "a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart" (*The Planning Act*).

Related Policies

Planning for Agriculture

Economic Development

Livestock Operations (300 or more Animal Units in size)

If the livestock operation policy designates an area as a place where livestock operations may be allowed, the zoning bylaw for that area must designate all newly proposed or expanding livestock operations involving 300 or more animal units (cumulative across species) as a conditional use [72(2)(a)]. The Provincial Planning Regulation of *The Planning Act* sets out the number of animal units (AU) produced by one animal (for different categories of livestock common in Manitoba).

For livestock operations 300 or more animal units in size, livestock producers must complete a site assessment and go through the provincial technical review process [111].

Note: *To find out the AU produced by uncommon animals (including rabbits, alpacas, etc.), livestock operators and zoning administrators can contact Manitoba Agriculture, Food, and Rural Development.*

Livestock Operations (between 10 and 299 Animal Units in size)

Operations with fewer than 300 animal units may be listed as either Permitted or Conditional uses in a zoning bylaw, provided the conditional use threshold is consistent with the local development plan [72(2)(b)]. Proposals with less than 300 animal units are not subject to a provincial technical review [111].

Siting and Setback Requirements for Livestock Operations

Zoning bylaws must include siting and mutual setback standards for livestock operations that conform to the standards in the area's development plan as well as requirements of the livestock operations policies in Part 5 of the Provincial Planning Regulation.

Zoning bylaws must outline the mutual separation distances (using a minimum separation distances table) between existing, expanding or proposed livestock operations and **single residences** or **designated areas** (see definition). Applications to vary such distances may be considered by council to accommodate special circumstances.

Animal Keeping (less than 10 Animal Units in size)

Sites with less than 10 animal units (cumulative across species) are not considered to be livestock operations. The Provincial Planning Regulation does not require minimum mutual separation distances for uses with less than 10 animal units. However, municipalities may identify mutual separation standards for uses where less than 10 AU (cumulative across species) are kept.

All individuals with livestock of any size are now required to register their animals following Manitoba's Animal Premises Identification Regulation, which falls under the authority of *The Animal Diseases Act* (this regulation help to protect livestock in the case of a flood or a disease outbreak). *See the Planning for Agriculture: Planning Resource Guide for more information about livestock operations.*

Livestock Operations: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Livestock Operation ([10] to [299] AU)		**P***	**C***									
Livestock Operation (300 or more AU)		**C***										

P = Permitted | C = Conditional | * = Use-Specific Standard Applies

USE-SPECIFIC STANDARDS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.*

Livestock Operations

1.1 **Standards for Livestock Operations**

Livestock operations shall:

a) Meet the separation distances as stipulated in the development plan and based on the animal unit calculations and criteria outlined in Tables [6 and 7]. Mutual separation distances to single residences will be measured to the building itself; separation distances to designated areas will be measured to the boundaries of the designated areas found in the development plan, not the buildings within.

b) Be subject to the following conditions, if imposed by council:

   i. Measures to ensure conformity with the development plan, [secondary plan] and zoning bylaw.

   ii. Either or both of the following measures to reduce odours from the operation:

      a. covering manure storage facilities

      b. the establishment of shelterbelts

   iii. Enter into a development agreement regarding one or more of the following:

      a. the timing of construction

      b. the control of traffic

      c. the construction and maintenance of roads, fencing, landscaping, drainage works, shelterbelts

      d. the payment of a sum of money to the board or council to be used by the board or council to construct any of the items mentioned above

1.2 **Additional Standards for Large Livestock Operations**

In addition to the standards in [1.1], an application for approval of a livestock operation involving 300 or more animal units (cumulative across species) shall:

a) be sent to the minister for referral to the Technical Review Committee for review

b) be subject to the following condition (if imposed by council): measures to implement recommendations of the Technical Review Committee

Table 6: Animal Units By Category of Livestock

Animal	Type	Animal Units (AU) produced by one animal	Number of animals to produce one AU
Dairy	Milking Cows, including associated livestock	2	0.5
Beef	Beef Cows, including associated livestock	1.25	0.8
	Backgrounder	0.5	2
	Summer pasture / replacement heifers	0.625	1.6
	Feeder Cattle	0.769	1.3
Hogs	Sows, farrow to finish	1.25	0.8
	Sows, farrow to weanling	0.25	4
	Sows, farrow to nursery	0.313	3.2
	Weanlings	0.033	30
	Growers / finishers	0.143	7
	Boars (artificial insemination operations)	0.2	5
Chickens	Broilers	0.005	200
	Roasters	0.01	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.01	100
Turkeys	Broilers	0.01	100
	Heavy Toms	0.02	50
	Heavy Hens	0.01	100
Horses	Mares, including associated livestock	1.333	0.75
Sheep	Ewes, including associated livestock	0.2	5
	Feeder Lambs	0.063	16

For example, a beef operation with 80 beef cows is equivalent to 80 x 1.25 animal units produced by one cow = 100 AU.

Note: These numbers are the same as those in Appendix # 2 in the Provincial Planning Regulation under *The Planning Act*. They may **not** be changed in a zoning bylaw.

Table 7: Minimum Separation Distances for Siting Livestock Operations

Size of Livestock Operations in Animal Units (A.U.)	Separation Distance in Metres (Feet) from Single Residence		Separation Distance in Metres (Feet) from Designated Areas	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility
10-100	200 (656)	100 (328)	800 (2625)	530 (1739)
101-200	300 (984)	150 (492)	1200 (3937)	800 (2625
201-300	400 (1,312)	200 (656)	1600 (5,249)	1070 (3,511)
301-400	450 (1,476)	225 (738)	1800 (5,906)	1200 (3,937)
401-800	500 (1,640)	250 (820)	2000 (6,561)	1330 (4,364)
801-1600	600 (1,968)	300 (984)	2400 (7,874)	1600 (5,249)
1601-3200	700 (2,297)	350 (1,148)	2800 (9,186)	1870 (6,135)
3201-6400	800 (2,625)	400 (1,312)	3200 (10,499)	2130 (6,988)
6401-12,800	900 (2,953)	450 (1,476)	3600 (11,811)	2400 (7,874)
>12,800	1000 (3,281)	500 (1,640)	4000 (13,123)	2670 (8,760)

Note: These numbers are the same as those in Appendix # 1 in the Provincial Planning Regulation under *The Planning Act*. Municipalities **may** set their own mutual separation distances that go beyond these requirements, provided they follow the area's development plan.

Designated Area means an area designated for use as an urban centre, settlement centre, rural residential area, cottage area, park area or recreational area in the applicable development plan *[This definition is from* the Provincial Planning Regulation*]*.

Livestock Operation means a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart *[This definition is from The Planning Act]*.

Single Residence means a dwelling that is not on the same lot as a livestock operation and includes a residence that is lawfully under construction or for which a permit of construction has been issued. *[This definition is from* the Provincial Planning Regulation*]*.

Specialized Agriculture

Specialized agriculture operations are agricultural operations in which high value, lower volume, intensively managed agricultural products are produced. This includes, for example, fruit and vegetable production, a nursery, or a greenhouse. It may also include small processing facilities for these crops. These operations may sell products directly to the consumer by means of roadside stands or farm stores, u-pick operations, farmers' markets and direct sales to restaurants or retail outlets.

Related Policies

Planning for Agriculture

Climate Change Mitigation

Economic Development

Specialized agricultural operations typically utilize smaller areas of land than general agricultural operations. The Provincial Planning Regulation says that "land designated for agricultural use may be subdivided into a smaller parcel than what is permitted" (a minimum of 80 acres) if it is a "specialized agricultural operation" that "requires a smaller land holding" [Reg 3.1.5 (a)].

However, the Provincial Planning Regulation limits the subdivision of agricultural land to a maximum of one subdivision per 80-acre title for residential or specialized agricultural uses. Development plans will include policies that are generally consistent with these regulations. To implement such policies, a zoning bylaw may include specialized agriculture on smaller parcels as a conditional use in the agricultural zones.

Note: *In order to prevent the fragmentation of agricultural land, planning authorities can request business plans or other information that supports the feasibility and validity of the proposed business when considering Specialized Agriculture proposals. Manitoba Agriculture, Food and Rural Development (MAFRD) can provide special business development advice to assist with these applications.*

Specialized Agriculture: Model Zoning Plug-In

USE TABLE

To enable these regulations, the line below should be added to the ***USE TABLE*** *of a zoning bylaw.*

Uses	PR	AG	AL	RR	RS	RM	CM	CC	HC	M	I
Specialized Agriculture		C*	C*								

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as Secondary Use

DEFINITIONS

To enable these regulations, the term below should be added to the ***DEFINITIONS*** *section of the bylaw.*

Specialized Agriculture means an agricultural operation in which high value, lower volume, intensively managed agricultural products are produced on a smaller land holding than the minimum size required for general agriculture.

Apiary (Beekeeping)

Related Policies

Planning for Agriculture

Economic Development

Municipalities may want to regulate apiaries (beekeeping) as a use that is distinct from other uses related to animal keeping or farming. In *The Binder* (Component B), beekeeping is part of the general agriculture use and should not be listed separately in zones where general agriculture is allowed (however, it could be listed as a separate use where general agriculture is not allowed, as below).

The following model zoning plug-in should be adapted so that they are consistent with the agricultural policies in the local development plan. All beekeeping must also be consistent with the requirements in *The Bee Act*, including the requirement that a person in possession of bees must be registered as a beekeeper [*The Bee Act*, 2(1)].

Note: *The model zoning plug-in includes a provision that requires requeening if aggressive behaviour occurs. While requeening could be required as an effort to modify bee behaviour, the outcome may not be completely successful due to factors outside of the beekeeper's control (such as weather). This is particularly important in municipalities where apiaries are allowed in Rural Residential zones where the potential for conflict is much greater (for instance, bees will forage for water and may gravitate toward pools and fountains).*

Apiary: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Apiary (Beekeeping)				C*								C*

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as secondary use

USE-SPECIFIC STANDARDS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.*

Apiary (Beekeeping)

1.1 Standards for Apiaries

An apiary must meet all of the following standards:

a) in the RR and I zones, no hives shall be located within [7.5] meters ([25] feet) of a site line unless located in compliance with the following:
   a. the hive's base is set at a minimum height of [2.5] meters ([8] ft) above grade; or
   b. it is located behind a solid fence or hedge [2] meters ([6] feet) in height located parallel to an adjacent property line and extending a minimum of [6] meters ([20] feet) horizontally behind the hive in either direction

b) every landowner who allows the keeping of bees on their property has the duty to ensure the maintenance of the beehives. The bees must be requeened if they swarm or show signs of aggressive behaviour

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of the zoning bylaw.*

Apiary means any place where bees are kept *[This definition is from The Bee Act].*

Urban Agriculture

Urban agriculture is the practice of cultivating food in or around a village, town, or city (along with associated food processing and distribution). Urban agriculture includes land uses like community gardens, beekeeping, animal keeping, and food growing that is usually at a distinctly smaller scale than agricultural practices outside urban centres. Because of this difference in scale and intensity, municipalities should consider including specific zoning regulations for urban agriculture to encourage this practice (following the policies and objectives in the local development plan).

Related Policies

Planning for Agriculture

Climate Change Mitigation

Economic Development

Why Use This Tool?

It is expected that rising fuel costs and climate change may place an increased demand on the production and protection of local food sources. If utilized properly, urban agriculture will be an important tool that will help to meet this demand. Urban agriculture helps to produce food for local consumption, which reduces the distance that food travels and ensure a more secure food source for Manitobans [Provincial Planning Regulation, S. 3]. Urban agriculture may also help to utilize vacant land in urban areas, absorb stormwater runoff, and contribute to economic development and food security.

For more information on urban agriculture, see Growing Food Security in Manitoba Communities: A Policy Guide for Manitoba Municipalities.

Urban Agriculture: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	GD	RS	RM	CN	CC	HC	M	I	PR
Animal Keeping				C*	C*		C*	C*	C*
Apiary (Beekeeping)				C*	C*			C*	C*
Community Garden	P*	P*	P*	P*	P*			P*	P*
Urban Farm	C*			P*	P*		P*	P*	P*

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as secondary use

USE-SPECIFIC STANDARDS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.*

Animal Keeping

1.1 Standards for Animal Keeping

The following requirements must be met for all cases where livestock or other animals (excluding pets) are sheltered, bred, raised, or sold and where the amount of animals kept on one site are less than 10 Animal Units (AU), cumulative across species (*see the plug-in section for livestock operations for a table that determines animal units*):

a) a maximum of one Animal Unit (cumulative across species) is permitted for every [8,094] meters^2 ([two] acres) of site area
b) the keeping of animals must adhere to all other local, provincial and federal health and agriculture regulations in addition to the standards in this bylaw
c) any ground-level structure intended for the keeping of animals is only permitted in the [rear yard] of a site and must maintain a minimum setback of [4.5] meters ([15] feet) from any site line
d) in the CN and CC zones, animals and structures intended for the keeping of animals shall only be allowed on the rooftop of a building [ex: a rooftop chicken coop, if there are no other bylaws prohibiting chickens in urban areas]
e) animal feed must be properly stored in enclosed vessels, and areas or enclosures intended for the keeping of animals must be properly cleaned and maintained to prevent odours from emanating onto abutting properties

Apiary (Beekeeping)

1.2 Standards for Apiaries

An apiary must meet all of the following standards:

a) In the PR and I zones, no bee hive shall be located within [7.5] meters ([25] feet) of a site line unless located in compliance with the following:
    a. the hive's base is set at [2.5] meters ([eight] feet) or greater above finished grade or
    b. the hive is located behind a solid fence or hedge [two] meters ([six] feet) in height located parallel to an adjacent property line and extending a minimum of [six] meters ([20] feet) horizontally behind the hive in either direction.
b) In the CN and CC zones, hives shall only be allowed on the rooftop of a building more than [10] meters ([33] feet) in height.

Community Garden

1.3 Standards for Community Gardens

Community gardens must meet all of the following standards:

a) community gardens shall not be larger than [2320] meters^2 ([25,000] square feet), except in a PR or I zone
b) accessory buildings for community gardens must meet the accessory building bulk requirements for the zone in which they are located
c) compost must be maintained in a way that limits nuisance odors to adjacent properties. Compost piles or structures must be located a minimum of [one] meter ([three] feet) away from any site line
d) on-site sales are limited to sales of plants or produce generated on site

Urban Farm

1.4 Standards for Urban Farms

An urban farm must meet all of the following standards:

a) a development permit application for an urban farm that involves any of the following activities must be accompanied with a plan that addresses how the activities will be managed to mitigate impacts on surrounding land uses and natural systems:
   i. the processing of food produced on site
   ii. the use of heavy equipment such as tractors
b) greenhouses, compost structures, hoop houses, and similar structures are permitted as accessory structures, provided they conform to the applicable bulk requirements for accessory buildings and structures for the relevant zone
c) compost must be maintained in a way that limits nuisance odors to adjacent properties
d) on-site sales are limited to sales of plants or produce generated on site

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of the zoning bylaw.*

Animal Keeping is a use where livestock or other animals (excluding pets) are sheltered, bred, raised, or sold. This includes, but is not limited to, stables, kennels and aquaculture operations.

Community Garden means an area managed by a non-profit organization, a community-based entity or a public entity where members of the community may grow plants for beautification, education, recreation, community distribution or personal use.

Urban Farm means a site or building within a settlement centre where fruits, vegetables, and other plant products are grown, washed, or packaged for wholesale or retail sales. This use is distinct from animal keeping.

Mineral Resources

Mineral resources are a vital part of Manitoba's economy; mineral resources are the second leading primary resource sector in the province, after agriculture.

Related Policies

Mineral Resource Planning

Economic Development

Mining and Extraction

Zoning bylaws should contain provisions for mining and aggregate extraction operations that implement the policies in an area's development plan. Municipalities where mining is common may wish to make a zone specifically for mining and extraction operations. Other areas may simply list mining and extraction operations as conditional uses in specific zones where mining is appropriate (such as an AG zone) in accordance with policies in the applicable development plan, as well as provincial regulations and guidelines.

Note: *The Provincial Planning Regulation considers mineral exploration and development as an interim land use and states, "If extraction of minerals ceases on land, the surface of which was prime agricultural land before the extraction began, the land must be rehabilitated to the same average soil quality for agriculture as is found on the surrounding lands" (Reg 8.1.7).*

A mining and extraction operation should be listed as a conditional use so that a council or board may impose conditions or a development agreement on the operation. The conditions could include requirements for haul routes, outdoor lighting, hours of operation, etc.

Mining and Extraction: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Mining and Extraction		C*	C*									

P = Permitted | C = Conditional | * = Use-Specific Standard Applies

USE-SPECIFIC STANDARDS

*To enable these regulations, the terms below should be added to the **USE-SPECIFIC STANDARDS** section.*

Mining and Extraction

1.1 **Standards for Mining and Extraction Operations**

A development permit shall be required for any development of a commercial mining or extraction operation. Before a development permit is issued, an applicant must provide the [Municipality or Planning District] with the following:

a) in the case of Crown quarry minerals, proof of the issuance of a Provincial Lease or Casual Permit under Manitoba Quarrying Minerals Regulations
b) a plan showing areas and means for goods and waste transportation
c) a site plan showing the operation, the manner in which extraction or development will occur, the means of visual buffering and noise and dust protection
d) a plan for the rehabilitation and intended use(s) of the site upon completion of the operation phase, subject to provincial regulations

Industries and Infrastructure

Aerodromes (Including Airfields and Airports)

The Federal Government regulates airfields and airports under the *Aeronautics Act*. Municipalities are not allowed to pass bylaws that infringe upon the jurisdiction of the Federal Government. However, several court cases provide clarity on the ability of zoning bylaws to address areas that come under federal authority.

In the case of **Venchiarutti v. Longhurst,** the Ontario Court of Appeal ruled that a gravelled private airstrip could be created even though a municipal zoning bylaw tried to prevent its construction.

However, in the case of **Quebec (Attorney General) v. Lacombe,** the municipality was able to prevent the construction of an aerodrome on one part of a lake through their zoning bylaw, which did permit aerodromes on other parts of the lake. The municipality's right to do this was upheld by the Supreme Court of Canada. The judge concluded:

> *A municipality must be able to establish reasonable limits to ensure that uses of its territory are compatible with one another where no activities falling under the core of a protected federal power are actually impaired and there is no inconsistency with federal legislation.*
>
> *Whether in the case of a pilot training school that is authorized to operate in an urban environment or in one involving low-level float plane takeoffs over a public beach, the governments that are closest to citizens and have jurisdiction over land use planning should have reasonable latitude to act where the central government fails to do so or proves to be indifferent [emphasis added].*
>
> *They have such latitude as a result … of the narrower test for protection, that of impairment [Quebec v. Lacombe, 185].*

This means that a municipality may be able to influence the specific location of a land use or development that falls within federal jurisdiction (such as an aerodrome) if the municipality provides several different options without excessively restricting its use or development. But because of the legal ambiguity of doing so, municipalities should generally avoid zoning uses that fall within federal and provincial jurisdiction unless it is a matter of particular importance.

Home Industries

A municipality may want a way to differentiate between **Home-Based Businesses** (or Home Occupations) and **Home Industries**. Unlike regular home occupations, home industries may generate noise, odours, and traffic, etc. that could have an impact on neighbouring properties.

Home Industry: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Home Industry		P*	P*	C*								

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

USE-SPECIFIC STANDARDS

*To enable these regulations, the terms below should be added to the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.*

Home Industry

1.1 **Standards for Home Industries**

A Home Industry may be allowed in zones where it is a Permitted Secondary Use or a Conditional Secondary Use only if the following standards are met:

a) in the RR zone, exterior storage of products or materials must be limited to the [Rear Yard]. The storage shall not project above the height of a **fence** or screening

b) in the RR zone, the area used to carry out the Home Industry shall not occupy more than [100] square meters ([1076] square feet)

c) signage for the Home Industry shall be located on the subject property and limited to one non-illuminated (or [indirectly illuminated]) sign not to exceed:

   i. [three] square meters ([32] square feet) in the AG or AL zones; or

   ii. [1.5] square meters ([16] square feet) in the RR zone

d) a Home Industry shall be conducted by a resident or residents of the dwelling unit to which the Home Industry is secondary, and may employ a maximum of:

   i. [five] non-resident persons in the AG or AL zones; or

   ii. [two] non-resident persons in the RR zone

e) the proponent of the Home Industry [must] obtain a development permit before establishing or expanding a Home Industry on a site

f) in the case of rental premises, the proponent will be required to obtain the permission of the owner of the premises before a development permit will be issued

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Home Industry means a light manufacturing operation that is carried out as a secondary use on the same site as a dwelling.

Oil Batteries

Oil operations fall under federal and provincial jurisdiction. Therefore, a municipality has limited authority to influence land use decisions for oil operations.

However, some municipalities have included provisions for oil batteries in their zoning bylaws because oil producers have some flexibility in locating their facilities in a manner that meets provincial regulations as well as local concerns (see the discussion in the aerodromes plug-in section for more information). The following model zoning plug-in may be adapted for use in such circumstances.

Oil Batteries: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Oil Battery		C	C									

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Oil Battery means a system or arrangement of tanks or other surface equipment that receives fluid from, or delivers fluid to, one or more wells, and includes an injection plant, a pump station and equipment or a device designed to separate the fluid into oil, gas, and water and to measure the amount of oil, gas and water. *[This definition is from The Oil and Gas Act].*

Pipelines

Zoning can help to reduce the risk to human life in the event of a pipeline explosion or leak by requiring a setback from oil and natural gas pipelines to new development.

For more information, see Land Use Planning For Pipelines: A Guideline for Local Authorities, Developers, and Pipeline Operators (Canadian Standards Association, 2004).

Related Policies

Protecting People & Property

Pipelines: Model Zoning Plug-In

GENERAL REGULATIONS

To enable these regulations, the provision below may be adapted for local circumstances and added to the ***GENERAL REGULATIONS*** *section of a zoning bylaw.*

1.1 **Development Near Pipelines**

Development shall not occur within [200] meters (650 feet) of the centre line of a pipeline unless a proximity agreement has been signed between the pipeline operator and the landowner that waives or reduces this requirement.

Storage of Dangerous Goods and Chemicals

Agricultural, agri-business and industrial operations may require the storage of dangerous goods and chemicals. Zoning can help to reduce the risk to human life in the event of a fire or other disaster at one of these storage sites by requiring minimum separation between storage buildings and dwellings.

Related Policies

Protecting People & Property

These minimum separation distances should be implemented with use-specific standards, which place the responsibility on those storing dangerous goods. The standards in this Guide are taken from the Agrichemical Warehousing Standards Association User Guide (2011).

Note: *Anhydrous ammonia plants and other dangerous goods storage sites also have specific setback requirements from Provincial Highways.*

Storage of Dangerous Goods and Chemicals: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the lines below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Anhydrous Ammonia Storage Facility		C*									C*	
Dangerous Goods or Agrichemical Storage Facility		C*	C*							C*	C*	

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

USE-SPECIFIC STANDARDS

*To enable these regulations, the terms below should be added to a bylaw's **USE-SPECIFIC STANDARDS**.*

Anhydrous Ammonia Storage Facility

1.1 **Separation Distances for Anhydrous Ammonia Storage Facilities**

Anhydrous Ammonia Storage Facilities shall be located at a minimum distance of:

a) [1500] meters ([5,000] feet) from the lot line of any evacuation-sensitive facilities such as schools, hospitals, senior citizens' homes, and other institutional facilities
b) [1500] meters ([5,000] feet) away from any village or settlement centre
c) [500] meters ([1,640] feet) from any dwelling
d) [50] meters ([160] feet) away from any creek, stream, or environmentally sensitive area
e) [100] meters ([330] feet) from the edge of the right-of-way of a Provincial Road or Highway

Dangerous Goods or Agrichemical Storage Facility

1.2 **Separation Distances for Dangerous Goods or Agrichemical Storage Facilities**

Dangerous Goods or Agrichemical Storage Facilities shall be located at a minimum distance of [50] meters] ([165] feet) from the sites lines in the RR RS RM CN CC and I zones.

Waste Sites

The Provincial Planning Regulation includes policies stating that solid waste facilities must be sited in an ecologically sound and cost-effective manner, in order to meet present and future demands for waste disposal in an area [Reg 6.3.2]. Municipalities and planning districts must include generally consistent policies in their development plans. Zoning bylaws can include regulations for separation distances for lagoons or solid waste disposal sites to implement these policies.

Related Policies

Managing Waste Disposal

Protecting People & Property

Note: *Waste sites are subject to provincial review and approval. Provincial standards for waste disposal sites are set out in the Waste Disposal Grounds Regulation M.R. 150/91. Standards for wastewater treatment facilities are set out in the Water Works, Sewerage and Sewage Disposal Regulation M.R. 331/88 R.*

Waste Sites: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the lines below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Sewage Treatment Site (Lagoon)	C*	C*	C*									
Solid Waste Disposal Site (Landfill)	C*	C*	C*									

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

USE-SPECIFIC STANDARDS

*To enable these regulations, the terms below should be added to the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.*

Sewage Treatment Site (Lagoon)

1.1 **Standards for Sewage Treatment Sites (Lagoon)**

A mutual separation distance of [300] meters ([1,000] feet) shall be maintained between a dwelling and a sewage treatment site or lagoon.

Solid Waste Disposal Site

1.2 **Standards for Waste Disposal Sites**

A mutual separation distance of [400] meters ([1,320] feet) shall be maintained between a dwelling and a waste disposal site.

Environmental Development Standards

Zoning bylaws can encourage developers to incorporate improved environmental development standards in their industrial, residential, institutional and commercial developments. Sustainable design can save municipalities and owners significant costs in the long term.

The environmental development standards below can be required as Use-Specific Standards for certain types or scales of development in a municipality. Alternately, the standards could be used to incent environmental performance in certain sensitive areas of a municipality (along riparian areas, near wetlands, etc.) for all types of development.

This tool can be combined with incentive zoning to give bonuses for sustainable development.

Related Policies

Climate Change Mitigation

Economic Development

Sustainable Infrastructure

Health and Active Transportation

Model Zoning Plug-In: Environmental Standards

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Permeable Pavement and Surfacing**

The area of a site covered by permeable pavement and surfacing (including the use of interlocking pavers and crushed stone) shall not be counted towards the parcel's total **site coverage**.

1.2 **Rooftop Gardens and Green Roofs**

The area of a building covered by rooftop gardens and other "green roof" material shall not be counted towards the parcel's total **site coverage**.

1.3 **Carpooling and Green Vehicles**

For every [20] standard required parking spaces, every site in the HC and M zones must provide one preferential parking space (located in a convenient location in close proximity to an entrance) for use only by any of the following types of vehicle:

a) car pool vehicles
b) electric vehicles or hydrogen-fuelled vehicles
c) gas / electric hybrid vehicles or Smart Cars

Preferential parking spaces shall count towards the site's total required parking spaces.

1.4 **District Energy System**

As part of a development agreement, [Council] may require landowners to connect buildings to a District Energy System or to make provision for future connection to this system.

Or, to implement a pick-list system of environmental development standards for certain uses.

1.5 **Environmental Development Measures**

Before any development permit will be issued [for development with a ground floor area over [4,100] square meters (one acre)] [in the HC M CC or I zones] a landowner must demonstrate to the satisfaction of the Development Officer that the proposed development will achieve a minimum of [five] points from any combination of items on the Environmental Development Measures Table [Table 8]. The Development Officer may require documentation, including plans or written support from qualified professionals, as part of the development proposal.

Table 8: Environmental Development Measures

Environmental Measure	Points	Required Documentation
Bicycle Amenities	1	Construction plans showing bike storage, bike parking and employee shower
Energy Efficient Building	1	Proof that a new construction or renovation is a five per cent improvement over Manitoba Energy code or ANSI/ASHRAE/ES standards
LEED Standards	1	Construction plans showing new construction or major renovation in compliance with the LEED Standards of the Green Building Council of Canada
	3	Compliance with LEED Silver Certification
	5	Compliance with LEED Gold or Platinum Certification
Green Building Products	1	Construction plans showing that 25 per cent of all materials used for new construction or renovations are Manitoba Green Building Products
Green Industries	1	Quarterly reports or sales catalogue that shows 40 per cent of products or sales are for qualifying green products
	2	Quarterly reports or sales catalogue that shows 75 per cent of products or sales are for qualifying green products
Green Roof	1	Construction plans showing vegetated roof on 25 per cent min of total roof area – with drainage and planting details
	2	Construction plans showing vegetated roof on 50 per cent min of total roof area – with drainage and planting details
Heat Island Reduction	1	Construction plans showing 25 per cent of all on-site non-roof hardscape areas will be covered by either shade tree canopy or solar reflective paving and roofing
Hydro Power Smart Commercial Incentives	1	Construction plans showing proof of qualification for current Hydro Power Smart Commercial Incentives
Renewable Energy Sources	2	Construction plans showing proof of on-site solar, geothermal, or wind energy generation that will supply at least five per cent of the building's annual energy needs
Water-efficient Landscaping	2	Construction plans showing water re-use for irrigation system

Transportation

Highways

Related Policies

Protecting People & Property

The Provincial Planning Regulation of *The Planning Act* requires municipalities to include policies about development setbacks from highways in their development plans. Zoning bylaws should contain provisions to implement those policies.

According to provincial regulations, special provincial permits are required for developments within Controlled Areas that are within certain proximity (see below) of the edge of a provincial highway right-of-way or the centre of highway intersections.

For more information on highway setbacks for development, see the Manitoba Transportation Planning Resource Guide and *The Highways Protection Act*.

Highways: Model Zoning Plug-In

GENERAL REGULATIONS

To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the ***GENERAL REGULATIONS*** *section of a zoning bylaw.*

1.1 **Development Setbacks from Highway Intersections**

All development within the **Controlled Area** of a provincial road or provincial trunk highway shall require a permit from the applicable provincial authority.

DEFINITIONS

To enable these regulations, the terms below should be added to the ***DEFINITIONS*** *section of a zoning bylaw.*

Controlled Area means the area between the limited access highway or freeway and the **control line** in relation thereto (*this definition is from The Highways Protection Act).*

Control Line *is defined in The Highways Protection Act. In the majority of cases (some exceptions exist), existing statutory control areas in relation to highway classifications are shown in the table below.*

CONTROL LINES	
Classification	**Distance From Right of Way Edge**
Limited Access Highway	38.1 or 76.2 metres
All Others	38.1 metres
CONTROL CIRCLES	
All Highways	**Distance From Intersection Centre**
	457.2/304.8/152.4 metres (control circle radii will vary)

Figure 2: General Control Line / Circle Dimensions (Transportation Planning Resource Guide, p. 15)

Railways

Many towns and cities in Manitoba grew up around railway corridors. Although their role has changed, these corridors continue to play an essential role in the province's economy. Municipalities should recognize these benefits while acknowledging that trains carry some goods that can pose potential dangers to land and the safety of residents.

To minimize risk to residents, municipalities should establish development plan policies for development in proximity to railway operations. Zoning bylaws can implement these policies by requiring development setbacks from railways. The zoning bylaw could allow for reduced setback standards for developers that include adequate safety barriers that can be considered during the development permit process.

Related Policies

Economic Development

Sustainable Infrastructure

Protecting People & Property

Areas with major rail corridors or locations prone to danger (ex: where urban centres are located at the bottom of hills or near sharp turns) should consider restricting all development in these locations.

For more information, see the Federation of Canadian Municipalities' Guidelines for New Development in Proximity to Railway Operations.

Railways: Model Zoning Plug-In

GENERAL REGULATIONS

To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the ***GENERAL REGULATIONS*** *section of a zoning bylaw.*

1.1 **Development Setbacks from Railways**

No development of [residential dwelling units] shall be permitted within [300] meters ([1000] feet) of a freight rail yard, within [30] meters ([100] feet) of a railway main line, or within [15] meters ([50] feet) of a branch line or spur line, measured from the property line of the railway to the face of the residential building.

Active Transportation and Mixed-Use Development Parking Incentives

The Provincial Planning Regulation of *The Planning Act* encourages municipalities to include policies in their development plans to facilitate "active and environmentally sustainable forms of transportation, such as walking, cycling and public transit" [Reg 7.2.1].

The zoning bylaw can implement these development plan policies by including some of the following provisions.

Related Policies

Economic Development

Sustainable Infrastructure

Health and Active Transportation

Active Transportation and Mixed-Use Parking Incentives: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the parking requirements in the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Bicycle Parking Requirement**

One lockable bicycle space must be provided for every [five] required automobile parking spaces in a new development.

1.2 **Reductions to Parking Requirements**

At the owner's option, the off-street parking requirements in Table [1] may be reduced by following one of the requirements below:

a) In buildings that contain more than one different use function (for example, a building with retail on the main floor and residential above), the number of minimum parking spaces [in Table [1] is reduced to [75] per cent of the total sum of the parking spaces (of the different functions) that would normally be required.

b) The [Development Officer] may vary the parking requirements on a site by up to [10] per cent if the Applicant prepares a Parking Management Plan that provides reasons a lower amount of automobile parking is adequate to meet the needs of the proposed development (for example, due to the proximity of other public parking areas, public transportation, car share programs, or bicycle parking).

OPTIONAL: ZONING OVERLAY

Zoning bylaws with parking requirements could consider using an urban infill area zoning overlay, which will have specific regulations within a buffer area that is drawn around all mature areas on a zoning map. Different parking standards will apply within this overlay.

Pedestrian Area Zoning Overlay

Planning districts or municipalities can use a zoning overlay to implement development plan or secondary plan policies to encourage pedestrian activity in parts of the planning area.

Related Policies

Economic Development

Sustainable Infrastructure

Health and Active Transportation

Why Use This Tool?

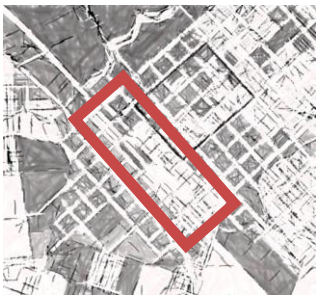
Zoning can help to improve the quality of the pedestrian realm by requiring new development to follow standards for sidewalks, landscaped areas, patios, and storefronts (for example). Possible provisions include:

- requiring sidewalks for new residential subdivisions and commercial areas
- requiring primary entrances to open onto sidewalks on main streets instead of on to parking lots
- limiting blank walls on commercial streets
- requiring buildings in the overlay area to be located within close proximity to the sidewalk

Pedestrian Area Zoning Overlay: Model Zoning Plug-In

MAPS

Zoning overlay areas must be established by outlining the area within the overlay on a Map in [Schedule A] of the zoning bylaw.



GENERAL REGULATIONS

Zoning overlays can then modify standards in the other parts of the zoning bylaw specifically for the area within the zoning overlay.

1.1 Pedestrian Area Overlay Provisions

The following provisions will apply for all sites located within the pedestrian area overlay [Schedule A]. Where the general regulations or bulk standards in this bylaw appear to be in conflict with the rules for an overlay zone, the rules for the overlay zone shall prevail:

b) a minimum of [60] per cent of the width of the front wall of a principal building on a site within the pedestrian area overlay must be clear glass

c) blank walls exceeding [20] feet in length are prohibited on all sides of a principal building adjacent to a sidewalk

d) the first storey of a principal building within the pedestrian area overlay may only contain a use within the [Office/Retail] or [Civic and Civil Support] use categories (on Table [1.1])

e) the largest entryway into a principal building within the pedestrian area overlay must be located on the front site line. For corner sites, the largest entryway into a principal building may be located on the side site line adjacent to a street
f) there are no required parking minimums within the pedestrian area overlay
g) parking shall be located behind the principal building or in a way that is not visible from adjacent sidewalks
h) sidewalks at least [two] meters wide ([six] feet) must be provided along the front site line of all sites within the pedestrian area overlay

Settlement Areas

Cluster Development

Related Policies

Climate Change Mitigation

Compact Communities

Cluster development is a form of residential development where houses are grouped together in clusters (or "conservation subdivisions") rather than being dispersed throughout a development site. Cluster development may take place in any residential zone.

Cluster development can be accompanied with regulations to ensure that agricultural land or open space adjacent to the residences will remain usable for future generations. These regulations work most effectively if residents have an agreement to collectively share and manage the open space that would have been privately owned in regular residential developments (this agreement can be kept using a condominium-style tenure).

To enable cluster development, a municipality or planning district should start with policies and guidelines for conservation subdivisions in a development plan or secondary plan. These plans should specify the minimum required percentage of open space to be set aside and protected for each development. They may also include standards for maximum permitted densities and guidelines for the ownership of open space and maintenance of conservation areas.

Zoning bylaws can encourage cluster development in rural areas by using alternative development standards to allow residential development on smaller lots, provided a shared wastewater system is in place. This tool may be combined with a zoning overlay, which will have specific regulations for development inside the overlay. For more information, see Managing Change in Rural Manitoba: A Manual for Conservation Subdivision Design (2015).

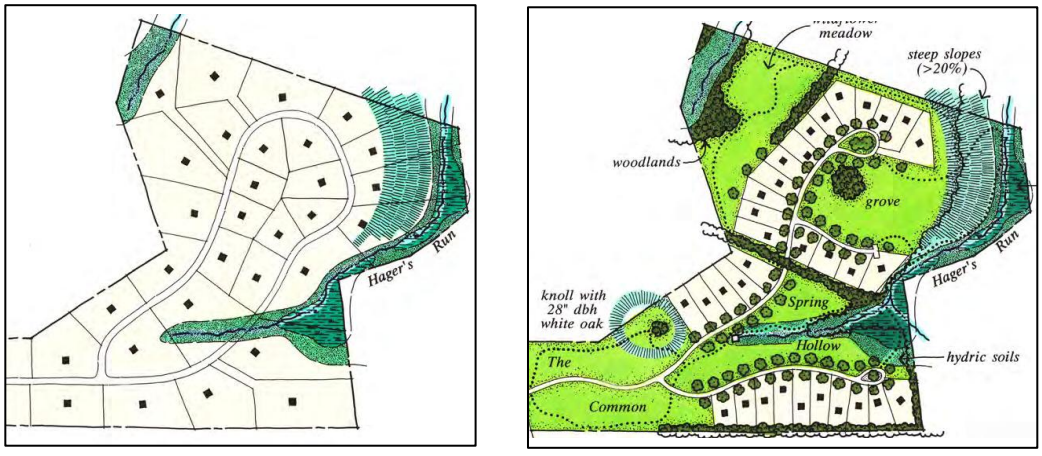


Figure 3: Standard Large Lot Subdivision (Left) vs. Cluster Development (Right) (Arendt, *Managing Change in Rural Manitoba: A Manual for Conservation Subdivision Design*, 2015)

Secondary Suites

A secondary suite is a dwelling unit that is located either within a permanent dwelling or in a detached building on the same parcel. A secondary suite contains a single housekeeping unit and has its own separate access, cooking, sleeping, and sanitary facilities which are separate from and not shared with those of the principal dwelling.

The three most common types of secondary suites are:

- **Basement Suites**: a secondary dwelling unit below the main floor of a **single-unit dwelling**).
- **Coach House** ("Laneway House"): a secondary dwelling unit above a detached garage.
- **Garden Suite** ("Granny Flat"): a ground-level secondary dwelling unit, which is located in a separate building on the same lot as a **single-unit dwelling**.

Related Policies

Affordable Housing

Compact Communities

Economic Development

Aging in Place

A secondary suite should not be confused with a **two-unit dwelling**.

Secondary Suites as Permitted or Conditional Uses

Municipalities need to consider whether they want to allow secondary suites as Permitted or conditional uses. Municipalities wishing to make it easier for landowners to develop secondary suites should consider making secondary suites permitted uses in all residential zones. Alternately, making secondary suites conditional uses will allow councils to consider each application on a case-by-case basis.

Best Practice: Secondary Suites

"In Steinbach, Manitoba, secondary suites are a permitted use in most residential zones, as well as in the commercial community zone. A building permit is required and the suite must conform to the Manitoba Building Code. Steinbach enacted this bylaw in September 2010, in response to a community need for safe, affordable housing. Steinbach has developed an information and guidelines brochure on its secondary suites program, to help educate those considering building a unit, or those who already have one and wish to bring it up to code." (Municipal Planning Guidelines for Secondary Suites, p. 15)

Unit Size

Municipalities will have to carefully consider what unit size restrictions they place on secondary suites.

Maximum Unit Sizes: *Municipalities may want to set maximum unit sizes (which can be done through use-specific standards) for secondary suites in order to ensure that these suites actually remain secondary to the primary dwelling. Setting relatively low maximum unit sizes in use-specific standards can also be used to ease concerns about having too many people living in one secondary suite. Homeowners wishing to develop larger secondary suites could apply for a variance.*

Minimum Unit Sizes: *The multiple occupancy requirements in the building code already address the health and safety concerns related to small unit sizes. Setting minimum unit sizes in a zoning bylaw can discourage secondary suites—particularly for houses with smaller basements or detached garages.*

Required Yards

Municipalities should be careful not to make the required minimum yards or separation distances (between a principal building and accessory/secondary buildings) too large, as this would limit the sites where secondary suites could be accommodated.

Parking

Most municipalities require an additional parking spot on lots with a secondary suite. This can ease neighbourhood concerns that secondary suites will add to on-street parking. Areas with plentiful on-street parking could remove this requirement in order to keep development costs down for secondary suites.

Tenants

Zoning bylaws cannot specify who is allowed to live in a secondary suite. Such a regulation would be discriminatory. For example, a zoning bylaw cannot state that a secondary suite is permitted solely for occupation by a relative of an occupant of the principal residence.

See the Manitoba Municipal Planning Guidelines for Secondary Suites for more advice on secondary suites.

Secondary Suites: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the lines below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	**PR**	**AG**	**AL**	**RR**	**GD**	**RS**	**RM**	**CN**	**CC**	**HC**	**M**	**I**
Secondary Suite		**P***	**P***	**P***	**P***	**P***	**P***					

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

USE-SPECIFIC STANDARDS

*To enable these regulations, the terms below should be added to the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.*

Secondary Suites

1.1 Standards for Secondary Suites

Secondary suites are only permitted if they comply with the following regulations:

a) Not more than [one] secondary suite shall be permitted on a single **zoning site**.

b) A minimum of [one] off-street parking space must be provided for each secondary suite, in addition to the parking required for the **principal building**.

c) The maximum floor area of the secondary suite shall not exceed [80] square meters ([860] square feet)] or [40] per cent of the total habitable floor space of the principal building (whichever is the lesser).

d) Detached secondary suites must follow the setback standards for accessory buildings and structures in the Siting Table.

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of the zoning bylaw.*

Secondary Suite means a second dwelling unit detached from, attached to or within a principal building, that provides basic requirements for living, sleeping, cooking and sanitation.

Incentive Zoning (Bonusing)

The Planning Act permits zoning bylaws to modify specific development requirements if a development contains certain public benefits (which also must be specified), such as affordable housing [71(7)]. This gives developers the incentive to include the public benefits in their development.

In larger urban centres, the incentives are often in the form of "density bonuses," which allow developers to build at a higher density than the maximum allowed in the zoning bylaw. These bonuses can be used on the same project that provides the public benefit or could be "banked" as credits for future projects by the same developer. Some municipalities also set up a system where these credits can be sold to other developers; this system can benefit non-profit development organizations that often provide public benefits in their projects.

Related Policies

Planning for Agriculture

Climate Change Mitigation

Affordable Housing

Compact Communities

Health and Active Transportation

Potential incentive zoning strategies include:

- **Reduced Lot Requirements** in exchange for **Cluster Development**: Municipalities that want to encourage cluster developments could allow developers to reduce the minimum or maximum bulk requirements in exchange for providing public open space, habitat conservation areas, or other public benefits.
- **Height Bonuses** in exchange for **Affordable Housing**: Municipalities could give developers a height bonus, allowing them to build units to a greater height than the prescribed maximum, if they also provide affordable housing.
- **Greenfield Development Bonuses** in exchange for **Infill Development**: Municipalities that have underutilized land inside urban areas could set up a system where developers would be required to build infill housing in order to get bonus credits needed to develop on greenfield sites outside the current urban limits.

Inclusionary Zoning (for Affordable Housing)

Related Policies

Affordable Housing

Economic Development

Aging in Place

The Planning Act section 71.5 says that a zoning bylaw may require that a specified percentage of the dwelling units within a new residential development offer affordable housing to low and moderate-income households [71(5)].

This tool is called **inclusionary zoning**.

Why Use This Tool?

Inclusionary zoning policies intend to provide affordable housing on a permanent basis to a wider mix of incomes in all new residential developments and, thereby, a more affordable range of housing across the entire community.

Inclusionary zoning is also meant to address a gap in the affordable housing stock to meet the needs of individuals or families who have incomes that exceed social housing requirements, but are too low to access market rate housing.

Defining "Affordable Housing"

In order to implement Inclusionary zoning, *The Planning Act* requires municipalities to define "affordable housing" in the zoning bylaw (or the manner for determining if housing is affordable housing) [71(6)].

Manitoba Housing recommends that for housing to be considered affordable, "The amount spent on shelter should not exceed 30 per cent of a household's income before tax." For more information, see HomeWorks: A housing strategy and policy framework for Manitoba.

Municipalities should, however, define affordable housing (or specify the manner for determining what is affordable housing) based on local context and needs, which can differ from one community to the next. This definition should be based on the affordable housing policies and goals set out in the development plan.

Note: *Some municipalities may also choose to create an Affordable Housing Strategy that further details actions or tools to meet such policies and goals.*

Mandatory or Incentive-Based Inclusionary Zoning

Mandatory Inclusionary zoning requires developers to build some housing that will sell or be rented below market prices. Mandating a fixed percentage of affordable housing in new developments ensures that all developers are treated in a consistent and equitable way. Research shows that a housing set-aside of 10 per cent up to 20 per cent has been found to be effective. However, municipalities are free to establish their own set-aside (ex: required percentage of affordable housing units) and thresholds (ex: limiting the bylaw to new residential developments of over 10 units), based on the municipality's local context and conditions.

Inclusionary zoning can also be paired with incentive zoning to encourage developers to include affordable housing. Using this strategy, developers can receive development credits or bonus density in exchange for providing affordable housing units [71(7)].

Development Agreements for Affordable Housing

A development agreement that deals with the provision of affordable housing may contain terms and conditions respecting the number, type, and extent of the dwelling units and the measures that are required *to be taken and maintained so that the housing remains affordable over the long term [150.1]. These measures may include:*

- *Limits on sale prices or a formula for rate increases on rents to protect long-term unit affordability*
- *Administration: to ensure that occupancy and affordability controls are appropriately managed*

Best Practice: Inclusionary Zoning

The City of Langford, British Columbia won the 2008 Canada Mortgage and Housing Corporation's (CMHC) Housing Award for its Inclusionary Zoning requirement. For every 10 market-priced homes developers build in Langford, they are required to build 1 affordable home (which is priced at 60 per cent of the market value). As an incentive to build affordable housing, the city (and CMHC) gives developers density bonuses, streamlined development approvals, mortgage pre-approvals and free administrative support.

Inclusionary Zoning: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Mandatory Affordable Housing**

[15] per cent (round to nearest) of all residential units in the following developments, including projects undertaken in phases, must be **affordable housing dwelling units**:

a) new residential construction, regardless of the type of dwelling unit
b) new mixed-use development with a residential component
c) renovation of a multiple-unit dwelling that increases the number of residential units from the number of units in the original structure
d) Development that includes the conversion of an existing single-unit dwelling into a multiple-unit dwelling or condominium
e) Development that will change the use of an existing building from non-residential to residential (***Note:*** *With a 15 per cent affordable housing requirement, no affordable housing would be required for one, two, or three unit developments. Four-to-nine unit developments would be required to provide one unit of affordable housing and so on.)*

1.2 **Affordable Housing Plan**

Developments that are required to provide affordable housing dwelling units under section [1.1] are also required to provide an Affordable Housing Plan when applying for a development permit. This Affordable Housing Plan must contain the following information concerning the development:

a) A general description of the development. Note whether the units will be rented or sold.
b) The total number of market-rate units and affordable housing units.
c) The [square footage] of each market-rate unit and each affordable housing unit.
d) The number of bedrooms in each market-rate unit and each affordable housing unit.

e) A diagram of where each market-rate unit and each affordable housing unit will be located in the development.
f) The estimated sale price or monthly rent of each market-rate unit and each affordable housing unit.
g) A description of how sale or rental of affordable units will be marketed to eligible households.
h) A description of the covenants or restrictions that will be placed on affordable housing units to preserve them as affordable housing for a period of at least [30] years.
i) A phasing plan stating the number of market-rate units and affordable housing units in each phase of the project (only include if the construction of the units will be done in phases).

1.3 **Criteria for Affordable Housing Units**

An Affordable Housing Development must comply with the following criteria:

a) Affordable housing units in the development must be mixed—and not segregated from—market-rate units.
b) The exterior appearance of the affordable housing units in a development shall be using materials and finishes with substantially the same type and quality as the market-rate units.
c) If the development is phased, the affordable housing units shall be phased concurrently with the market-rate units.

1.4 **Development Permits for Affordable Housing Developments**

The [Municipality or Planning District] shall not issue a development permit for a development that requires affordable housing units until the proponent provides an Affordable Housing Plan that complies with the Criteria for Affordable Housing Units.

Incentive-Based Affordable Housing

For incentive-based affordable housing, the provisions above should be incorporated with the incentive zoning tool that gives development credits or density bonuses for developments that choose to include a set number of affordable housing units.

DEFINITIONS

*To enable these regulations, here is an example of terms that could be added to the **DEFINITIONS** section of a zoning bylaw.*

Affordable Housing means… [Each municipality or planning district must establish its own definition of affordable housing based on local conditions. This definition should be precise so that developers know what standards they must meet. Municipalities or planning districts should aim to set an affordable housing limit where the sum of rent and utilities (or, when units are sold: mortgage, amortization, taxes, insurance and condominium fees) constitute no more than [30] per cent of gross annual household income for a household of the size that may occupy the unit in question].

Affordable Housing Plan means a plan prepared by an applicant for a development that includes **Affordable Housing** dwelling units that outlines and specifies the development's compliance with the applicable requirements of this bylaw.

Mobile Homes

Mobile homes are a significant part of the affordable housing stock in many Manitoba municipalities.

Related Policies

Affordable Housing

Economic Development

Aging in Place

As discussed in *The Introduction* (Part 5), zoning bylaws should avoid regulating housing based on construction type (ex: "stick-built," "RTM," "Manufactured"). They should also avoid setting minimum size restrictions on dwellings, which can impact affordable housing availability (and would prohibit small mobile homes, for example). Instead, the model zoning language below provides a way to ensure that construction and habitability standards are met even if the dwellings were built outside the municipality.

When regulating mobile homes, the most important aspect for a zoning bylaw to address is whether the dwelling is going to be permanently or temporarily located on a zoning site. The model zoning language below includes additional provisions for permanent dwellings. Mobile homes intended for temporary or seasonal use may be treated as a **temporary building**, which must follow the provisions in the General Regulations section of the Zoning Binder.

Mobile homes are commonly clustered together in a mobile home park. Municipalities may want to consider **alternative development standards** to allow for smaller lots and higher densities in these developments than may be allowed in rural residential or low-density residential zones.

Mobile Homes: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the lines below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Mobile Home		P*	P*	P*	P*	P*						
Mobile Home Park				C*	C*	C*						

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

USE-SPECIFIC STANDARDS

*To enable these regulations, the terms below should be added to the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.*

Mobile Homes

1.1 **Standards for Mobile Homes**

Mobile homes require a development permit. No mobile home located in the [Municipality or Planning District] shall receive a development permit unless it complies with the following regulations:

a) all mobile homes, even those constructed outside the municipality, must meet the structural standards in *The Buildings and Mobile Homes Act* [and any local Building or Mobile Home Bylaw]

b) a mobile home, when located permanently on a site, shall:

i) be connected to municipal sewer and water services when such services are available on the site
ii) be placed and anchored on a permanent foundation
iii) have skirting that screens the view of the foundation supports or wheels

Mobile Home Park

1.2 **Standards for Mobile Home Parks**

A mobile home park must meet the following standards:

a) more than one mobile home may be permitted on an approved mobile home park site
b) a mobile home park must provide a roadway with a driving surface a minimum of [five] meters ([16.5] feet) wide with an all-weather surface that serves all dwellings [that meets the municipal roadway lighting and surface water drainage standards]
c) a mobile home park must provide clear identification of each dwelling space and its boundaries
d) a mobile home park must provide a centrally located common park space or recreation area equivalent to a minimum area of [40] square meters (430 square feet) per dwelling space
e) an application for a mobile home park must be accompanied with a detailed site plan, including:
    i) location of the site boundaries
    ii) foundations, pads, or mobile home sites
    iii) accessory buildings
    iv) internal roads
    v) sidewalks and active transportation paths
    vi) vehicle parking
    vii) systems supplying electrical power, water and sewage disposal

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Mobile Home means a portable dwelling unit that is designated to be used as a living quarters or as accommodation for travel, recreation, or vacation purposes and that:

a) is capable of being transported on its own chassis and running gear by towing or other means, or
b) is placed on the chassis or body of a motor vehicle, or
c) forms part of a motor vehicle

***Note:** This definition is from The Buildings and Mobile Homes Act. A zoning bylaw definition of mobile home should be consistent with this definition.*

Planned Unit Developments (PUDs)

Planned Unit Developments (PUDs) are land development projects that are built as an entity in accordance with a comprehensive site plan that is presented by a developer to a board or council. PUDs can be a useful tool for larger mixed-use developments because they give municipalities and developers flexibility in siting of buildings, mix of uses and housing types, usable open spaces and the preservation of significant natural features through customized site-specific standards.

Related Policies

Affordable Housing

Economic Development

Compact Communities

However, if used improperly, the PUD system can become a way to circumvent the rules and intent in a zoning bylaw.

In best practice, PUDs should be:

- **Conditional Uses**. Zoning bylaws should treat PUDs as conditional uses, not permitted uses. This will ensure public involvement in the development review and the opportunity for municipalities to impose appropriate conditions or development agreements. As a condition of approval, a proponent is required to prepare a comprehensive site development plan for public review.
- **Only For Large Sites.** Zoning bylaws should set a minimum size for Planned Unit Developments. This will ensure that PUDs are not used as a way to "spot-zone" an individual lot in an attempt to circumvent the development standards in the zoning bylaw.
- **Subject to Design Review:** To ensure that the new development standards are appropriate for achieving the community's long-term vision, PUDs should be made subject to a special design review process. This process could involve a design review committee or the services of planning and design professionals retained by the council or board.

The Planning Act no longer specifically refers to Planned Unit Developments. If municipalities want to permit PUDs, they should use the following provisions.

Planned Unit Developments: Model Zoning Plug-In

USE TABLE

*To enable these regulations, the lines below should be added to the **USE TABLE** of a zoning bylaw.*

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Planned Unit Development				C*	C*	C*	C*	C*	C*	C*	C*	C*

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

USE-SPECIFIC STANDARDS

*To enable these regulations, the terms below should be added to the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.*

Planned Unit Development

1.1 **Standards for Planned Unit Developments**

A planned unit development:

a) may only be established on a zoning site or proposed development larger than [six] hectares ([15] acres) in size
b) the uses and standards of a Planned Unit Development must be generally consistent with the desired character for the area as set out in the [development plan, secondary plan and the uses and standards in the zones adjacent to the site]
c) an application for a planned unit development shall be considered as a conditional use application, subject to the conditional use provisions of this bylaw and *The Planning Act*
d) an application for a planned unit development must be accompanied with a detailed site plan, including:
    a. location of the site boundaries
    b. planned location, height, and types of use of buildings and structures
    c. planned location of internal roads and entrances to site
    d. planned location of sidewalks and active transportation paths
    e. planned locations of communal and public facilities and spaces
    f. planned locations of fencing, lighting, trees, shrubs, groundcover and plantings
    g. planned location of vehicle parking
    h. planned location of systems supplying electrical power, water, and collection of sewage and waste
    i. lot grading
    j. a list of all instances on the site where the bulk standards of the proposed buildings and structures do not comply with the requirements of this zoning bylaw
    k. other information as required by the [council or board]

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Planned Unit Development means a land development project planned as an entity in accordance with a unitary site plan, which permits flexibility in siting of buildings, mix of uses and housing types, usable open spaces and the preservation of significant natural features.

Established Street Standards

Established street standards set the rules of a zoning site based on the buildings on the adjacent sites. For example, a zoning bylaw can use this tool to set a front yard requirement for a new infill building that is the same as the front yards of existing buildings on the same block.

Related Policies

Compact Communities

Economic Development

Heritage Preservation

Why Use This Tool?

Established street standards are a simple tool municipalities can use to encourage infill development in mature neighbourhoods that will be compatible with the existing buildings in the area. Mature neighbourhoods and older buildings are essential to a municipality's stock of affordable housing and business space. They also are an important part of a municipality's history and distinct character.

Established street standards can preserve the character of a neighbourhood without requiring the creation of a new zone with area-specific setbacks. The tool could also be applied when determining the front yard requirement for a building that was destroyed and is being rebuilt or where an addition is being built on an existing building in a mature neighbourhood.

This tool may be combined with a zoning overlay, which may set boundaries on the areas that may use Established Street Standards as an alternative to the base zone's bulk standards.

Established Street Standards: Model Zoning Plug-In

GENERAL REGULATIONS

*To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.*

1.1 **Established Street Standards for Front Yards**

Where a new [dwelling or principal building] or an addition to a [dwelling or principal building] is proposed within a street block or a portion of a street block where at least [80] per cent of the lots have been developed with principal structures, and the minimum front yard required by the Bulk Table [1.2] is inconsistent with the majority of existing front yards for developed sites on the street block, the new structure [must] be developed with a front yard consistent with the [minimum or average] of the existing front yards within that block or portion of the block. In the case of a corner site, either the [minimum or average] of the yard for the two nearest properties on the same block or for all the properties facing the same street on the same block may be used for calculating the required yard.

OPTIONAL: ZONING OVERLAY

Zoning bylaws with parking requirements could consider using a mature area zoning overlay, which will have specific regulations within a buffer area that is drawn around all mature areas on a zoning map. The established street standards above will then only apply within this overlay.

Heritage District Zoning Overlay

Related Policies

Economic Development

Heritage Preservation

Areas with a distinct historic area or group of heritage buildings may consider using a heritage district zoning overlay to provide specific development regulations for this area (that may cover several different underlying zones).

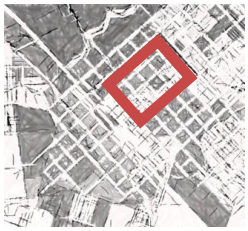
Planning districts or municipalities can use zoning to encourage the preservation of a heritage district by setting rules to retain heritage buildings, offering incentives for adaptive reuse, and by providing design standards so that new construction respects the style of existing buildings. These zoning regulations should follow the applicable policies, objectives and design guidelines in the local development plan and any existing secondary plan (or Heritage District Guidelines document).

Note: *The Planning Act says a zoning bylaw may contain provisions regulating the design details of buildings and building sites and the establishment of committees to approve design details [71(3)]. Municipalities with a Historic District should consider establishing design criteria and a review committee.*

Heritage District Zoning Overlay: Model Zoning Plug-In

MAPS

Zoning overlay areas must be established by outlining the area within the overlay on a Map in the bylaw.



GENERAL REGULATIONS

Zoning overlays can then modify standards in the other parts of the zoning bylaw specifically for the area within the zoning overlay.

1.1 Heritage District Overlay Provisions

The following provisions will apply for all sites located within the heritage district overlay [Schedule A]. Where the provisions of the underlying zone in this bylaw appear to be in conflict with the rules for an overlay zone, the rules for the overlay zone shall prevail:

a) where a building in an area to which a heritage overlay applies is removed or destroyed it must be rebuilt to the same building envelope and in the same location as existed prior to its removal or destruction

b) there shall be no minimum parking requirements for sites located within the heritage district overlay; however, the maximum parking requirements will still apply (based on the parking requirements for the underlying zone)

c) development within the heritage district overlay must comply with the design guidelines as established in [a Secondary Plan or Heritage District Guidelines document]

d) no development may take place within the heritage district overlay prior to a design review [by the Heritage District Design Committee]

Appendices

Appendix A: Further Reading and Image Credits

Further Reading

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Appendix B: Interviewees

Consultation with stakeholders was an essential part of the *Municipal Guide to Zoning Bylaws in Manitoba*. To inform the Guide, administrators, planners, and other representatives from municipalities and planning districts around Manitoba were interviewed about issues and concerns related to zoning administration and bylaw enforcement, as well as suggestions on how to improve zoning bylaws in Manitoba in general.

We would like to thank the representatives from the organizations below who participated in interviews or workshops for this Guide.

Municipality and Planning District Representatives

- Brokenhead River Planning District
- City of Dauphin
- City of Morden
- City of Thompson
- East Interlake Planning District
- Lakeshore & Mountainview
- Macdonald-Richot Planning District
- Mid-West Planning District
- Municipality of Russell-Binscarth
- Portage La Prairie Planning District
- R.M. of Cartier
- R.M. of Gilbert Plains
- R.M. of Grey
- R.M. of Headingley
- R.M. of Louise
- R.M. of Morris
- R.M. of Prairie Lakes
- R.M. of Springfield
- R.M. of Stanley
- R.M. of Woodlands
- Red River Planning District
- Rhineland, Plum Coulee, Gretna, Altona
- Roblin Planning District
- South Central Planning District
- Town of Carman
- Town of The Pas
- Town of Virden

Regional Office Managers and Staff – MMG Community and Regional Planning

- Beausejour
- Brandon
- Morden
- Portage La Prairie
- Steinbach
- Selkirk
- Thompson
- Winnipeg

Other Provincial Departments, Levels of Government, Organizations

- City of Winnipeg Planning, Property & Development
- Manitoba Agriculture, Food and Rural Development (MAFRD)
- Manitoba Infrastructure and Transportation (MIT)
- PlaceMakers
- SPAR Planning Services